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The
Chartulary or Register
of
The Abbey of St. Werburgh
Chester

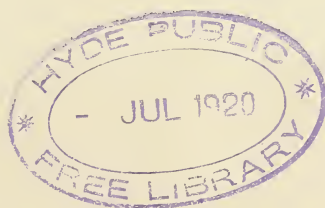
EDITED WITH INTRODUCTION AND NOTES

BY

JAMES TAIT, M.A.

President of the Society

PART I



PRINTED FOR THE CHETHAM SOCIETY

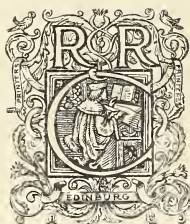
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PREFACE

THE chartulary, or more accurately the register, of Chester abbey, preserved in Harley MS. 1965, having been in the British Museum since its institution, has long been known to Cheshire antiquaries. In the *History of Cheshire* Ormerod printed a useful summary and index of its contents, of which he made extensive, but not exhaustive, use in his work.

The publication of the chartulary was undertaken some twenty years ago by the Lancashire and Cheshire Record Society, for whom a transcript and translation were made by Mr. W. K. Boyd. Circumstances, however, prevented further progress with the work, and in 1915 it was transferred to the Chetham Society and to my editorship. In Mr. Boyd's transcript the Latin was given in the contracted form of the MS., and, as it seemed undesirable to print it in record type, the text had first to be extended, a somewhat laborious task. The greater length which resulted entailed the sacrifice of the transcriber's English version. In lieu of this, the brief Latin headings of the MS. have been replaced by pretty full abstracts of the documents in English.

Much time and labour have been expended in searching for and copying the full charters of which summaries only, with the witnesses omitted, are usually given in the Harley MS. Originals are rare and not always accessible. For this first part I have been able to use no more than three (Nos. 8, 34, and 46), the last of which did not become available until the sheets were passing through the press. Thanks, however, to the royal *inspeximus* in the Public Record Office, and to the admirable, if not always exact, assiduity of the seventeenth-century antiquaries in taking

copies of charters that have since disappeared, the total number of abstracts which it has been possible to replace by complete texts approaches sixty. This is, indeed, barely one-seventh of those included in the present volume, but it provides specimens of all the leading types of the abbey's documents, as well as lists of witnesses which will be found useful in dating other Cheshire charters of the twelfth and thirteenth centuries.

A number of the more important charters had already been printed in the *Monasticon Anglicanum* and by Sir Peter Leycester and Dr. Ormerod, but, as the notes appended to them below will make clear, their texts do not in every case reach a high standard of accuracy, and Leycester, in one case, lies under suspicion of putting forth a hybrid text without proper warning (p. 25). The only previous edition of the interesting and puzzling Eaton Hall charter of Earl Ranulf II. (No. 8) is so very incorrect that I have refrained from mentioning it in the usual place, though any one who wishes to see it may find the reference in a note on p. 62.

If Ormerod's texts, which are nearly all taken directly from Leycester, leave something to be desired, the same must be said of his treatment of the early history of the Cheshire families. Though he was honourably distinguished from some of the older county historians by the considerable amount of attention he devoted to the genealogy of the twelfth and thirteenth centuries, the commentary on various charters will show that he was capable of serious omissions and confusions. It will suffice to mention here the blunders in his pedigree of the Touchets (p. 123), the extraordinary errors in his account of the relations of the abbey to the Mold family (p. 51), and his omission of one generation in the pedigree of the Venables of Kinderton (p. 219).

Of the abbey charters proper the most novel, perhaps, is the 'Testimonium' of Archbishop Anselm (No. 4), which has never been printed, or, apparently, used.

The most generally interesting document in the chartulary, however, and one of the few which it gives practically in full, is the 'Magna Carta' of Cheshire (No. 60), which has hitherto attracted much less attention than it deserves. It is hoped that

a revised text, and a succinct indication of its relation to its greater fellow-document, may do something to draw it from its present obscurity.

The majority of the grants comprised in the following pages relate to Cheshire, and its Welsh annexe (Nos. 3, 5, 45, 354), but there are also charters concerned with the possessions of the abbey in Northamptonshire (Nos. 124-7), Lincolnshire (Nos. 53-4, 244-5), Gloucestershire (Nos. 120-23), and Derbyshire (Nos. 116-18, 128-304), all of which seem to be unknown to the historians of those counties. The temporary tenure of Denford in the first of them by Hugh I., earl of Chester, seems to have escaped attention altogether.

Perhaps it may be well to explain that in the Harley MS. the entries are not numbered. Numbers have been affixed to them in this edition for convenience of reference.

The introduction would be open to the charge of carrying the story further back than need be, were it not that this seemed the proper opportunity to correct the distortions of fact in the accepted account of the history of the patron saint of the abbey, and of the first church dedicated to her in Chester. For the converse reason the story of the abbey itself has not been carried beyond the death of Earl Ranulf II. in 1153. Ormerod's mistakes in the dates of the abbots are corrected on pp. i-iii, but there did not seem enough material at present to call for a revision of his history of the monastery from the middle of the twelfth century. Closer study of the documents to be included in Part II. (which, it is hoped, will conclude the work) may possibly justify some treatment of the subject in the introduction to that part.

The attempt to sketch from the charters the administrative system of the palatine earldom in the twelfth century is necessarily imperfect, but provides a basis for further research. The same may be said of my examination of the doubtful charters of the abbey, which, so far, has not yielded results commensurate with the labour expended upon it.

It only remains to express my grateful sense of obligation to those who have helped to make this volume possible, to Mr. J. Brownbill, M.A., and Miss E. M. Thompson for the skill and care

with which they have copied many documents for me; to Miss Margaret Tout for the use of her list of the justices of Chester; to Mr. J. P. Gilson, Director of the Department of MSS. in the British Museum, for patient answers to my numerous queries; to the Dean and Canons of Windsor, through Canon Dalton, for the loan of the Badlesmere *inspeximus* of 1280; to the Duke of Westminster, through the Rev. C. E. M. Wilson of Eccleston, for placing the original of No. 8 in the British Museum for my use; to Captain C. Leicester Warren for access to Sir Peter Leycester's collections at Tabley House; to Mr. W. H. Stevenson and Dr. Henry Bradley for light upon the charter of King Edgar; and last, but not least, to Mr. W. Fergusson Irvine and Mr. R. Stewart-Brown of Liverpool, who have kindly read the proofs and have saved me from many errors and omissions. I am deeply indebted to them both, and especially to Mr. Stewart-Brown, for the generosity with which they have placed at my disposal copies of documents, and their wide and accurate knowledge of Cheshire history. Considerations of space have not permitted me to record my obligations to them in the comments upon the charters, except in the more conspicuous cases.

JAMES TAIT.

WITHINGTON,

MANCHESTER,

March 4th, 1920.

Books should not be touched with dirty hands.
 Leaves must not be turned down.
 In wet weather, books should be wrapped up
 during transit to and from the Library.
 Only responsible messengers will be served with
 books. Children under 12 years of age should
 not be sent for books.

ADDENDA

Page i, note 1a. Roger de Meulan was not consecrated until March 10, 1258 (not 1256-57 as in Le Neve-Hardy), but the Patent Rolls show that the temporalities had been restored to him twelve months before, and that he acted as bishop elect in the interval. An even more striking case is that of Hugh de Nonant, whose consecration took place three years after his election.

Page xlv, line 28. The conjecture here is perhaps rash.

Page xlvii (middle). The brothers are in one case described as 'fratres dispensarii,' which seems hardly consistent with the suggestion made in the text.

Page 19, last line. A charter of about 1237 mentions le Wichfeld and the road leading to Wich (Mainwaring ch. 14, Rylands Lib.).

Page 47, line 32. I owe to Mr. Stewart-Brown the following copy of the alleged original writ of Ranulf I. confirming the fair: Ranulfus comes Cestrie, etc. Notum sit vobis quod Hugo meus auunculus in fundacione abbacie dedit Deo et sancte Werburge theoloneum, omnesque redditus et exitus nundinarum trium dierum. Quapropter confirmo illud, etc. Teste Willelmo constabulario, Radulfo dapifero, Ricardo filio Nigelli, Hugone Malbanc, Gaufrido Capellano, Normanno clerico, multisque aliis. Valete. (Shakerley MS. 1, f. 181, Somerford Park, Congleton.) Norman the clerk, the only witness who does not also attest Ranulf's general confirmation (p. 50), may be identical with a witness to No. 351.

Page 54, line 29. It was only on final collation with the facsimile that my attention was specially drawn to *imperpetuum* (so written) here, and again page 57, line 11. This is certainly strange. Mr. A. G. Little has never, he tells me, come across this spelling at a date so early as 1150.

Page 69, line 3. The legend com[mune] sigillum com[itis] de Cestre, if correctly copied by Holme, seems to imply the existence of a private seal of Ranulf II. See Ducange, *Glossarium*, s.v. Sigillum secretum.

Page 72, line 32. The use of the lion seal by Ranulf III. is so well attested (Orm. i. 38; Harl. MS. 2149, f. 56 (39)) that we can hardly hesitate to assign this charter to him, though his grandfather seems to have had a private seal (see above), our ignorance of whose bearings prevents complete

certainly. There is evidence that work was in progress on the abbey buildings in the time of abbot Hugh. Lastly, the only other occurrence of the spelling Gwerburga is of that date (*Rot. Chart.* 202b).

Page 86, line 2. The smaller seal to the left bore the arms of Badlesmere on a shield, as depicted in Nicolas's *Siege of Carlaverock*, p. 78, with the legend SIGILLVM SECRETVM. The larger seal pendant in the centre, which was much broken, bore the same arms, without the label, on a shield between two garbs, legend . . . MERE IVSTITIA. The cords are of silk. The exact size of the sheet of parchment, including the overlap, is 29½ inches by 22 inches. Other Cheshire documents in the library of St. George's Chapel, Windsor, are the confirmation of the Cheshire 'Magna Carta' (No. 60) by Edward IV. (July 3, 1463), the Book of the Accounts of the Treasurer of Chester from October 1, 1623, to September 30, 1624, and the appointment of John Morgell of Moston as registrar of the diocese of Chester on August 28, 1630. George Hall, bishop of Chester, 1662-68, who was previously a canon of Windsor, may possibly have added these and the Badlesmere *inspeximus* to the library.

Page 91, line 21. The sealing clause runs: In cuius rei testimonium . . . omnem (*sic*) periculum instrumentorum perpalam deferendorum predictus Ricardus sigillum suum una cum sigillis predictorum . . . presenti veredicto apponi fecit, et irotulat' (*sic*) predicti domini R. de Grey tunc iusticiarii Cestrie irotulari. There are three armorial seals, those of Robert de Stockport, William de Wistanton and Hugh de Dutton.

Page 92, line 9. William Patrick (*d.* 1184) had a son of his own name (*Whalley Coucher Book*, 8). The known dates of Robert Lancelyn I., however, make quite possible the early one suggested for the charter referred to. William and Robert Patrick, we may add, witnessed a charter between 1192 and 1208 (Morris, *Chester*, 483). Ormerod's pedigree (ii. 598) seems to make William junior a son, instead of elder brother, of Robert.

Page 110, note 1. In the sixteenth century Hugh Calveley of Saighton claimed that the farm of Churchenheth was in that manor, the dean and chapter contending that it was in the church of Chester (Harl. MS. 2103, ff. 22 (old 21), 157 (old 164)).

Page 117, No. 75 n. The question of the position of the parish church of St. Oswald at different periods has been confused by conjecture and misunderstanding (cf. *infra*, p. xvi and Orm. i. 194). For an uncertain period in the later Middle Ages the parishioners were, it would seem, removed altogether from the abbey church to a large chapel built in the south-western corner of the precinct and dedicated to St. Nicholas, which in 1545 became the Common Hall of the city, and afterwards successively its theatre and music hall (Orm. i. 249; *Chest. Arch. Soc. Journ.* (O.S.), i. 252 *sqq.*; Morris, *Chester*, 202). The agreement of 1488 in which the abbey agreed to make a new roof 'upon the newe Church of St. Oswald,' and the parishioners to pay 40 marks towards the cost, has been taken to refer to the final removal to the south transept of the abbey church. But

the agreement itself describes the new church as 'edified on late att the end of the chapell called St. Nicholas Chapell within the precinctts of the said monastery,' and stipulates that its *north* side was to be 'bateld' (embattled) in stone (Harl. MS. 2103, f. 25; 2159, f. 112). Does not this point to an enlargement of the separate St. Nicholas's Chapel rather than to the completion of the south transept?

Page 125, No. 89 *n*. Mr. Stewart-Brown informs me that the church of Thurstaston does not stand within the courtyard of the Hall, as Helsby states (Orm. i. 509). This perhaps throws a certain doubt upon Ormerod's own assertion (for which he gives no authority) that it did so stand in 1724.

Page 125, No. 90. Master Hugh of Chester was, I think, one of the earl's clerks.

Page 141, line 2. For the tenure of Denford by Gilbert Fitz-Richard (de Clare) see *V.C.H. Northants*, i. 377.

Page 142, No. 129. John's charter is printed twice, without date or witnesses, in *Rot. Chart.* 1199-1215, 202b, 205. There are curious variations in order, etc., in the three copies.

Page 146, No. 135. The date of the death of William de Verdon the elder is involved in some doubt. Comparison of this charter with No. 133 seems to prove that his son came into his inheritance before the death of Abbot Hugh in 1226 (cf. No. 142). Yet he himself sells land to Abbot Walter (1228-40), if we may trust No. 248. The fact that father and son are represented as selling this land to the abbot *at different prices* is, perhaps, slightly suspicious. On the other hand, No. 228 seems to weaken the natural inference from Nos. 133 and 135.

Page 198, line 3. From examination of eighteenth-century maps, plans and surveys, including those in the possession of the Dean and Chapter of Chester, Mr. Fergusson Irvine has come to the conclusion that Ormerod much exaggerated the effects of the inundation of c. 1750, and that not much more than twelve statute acres have been washed away since 1736. He is of opinion that the causeway from Stanlaw Abbey to Stanney Grange, mentioned in No. 308, was behind the present line of foreshore, and that Whitby Pool can be identified with an inlet which ran into the land at the west end of Greenwarth, leaving the Mersey at about the point of division between the townships of Netherpool and Whitby, and running slantwise in an E.S.E. direction across the northern extremity of Whitby township. The left bank of this pool, he adds, coincides roughly with the present northern boundary of Whitby.

Page 210, No. 311 *n*. In view of the passage quoted by Canon Morris, it is interesting to find that in a document which will appear in the second part of the chartulary (No. 526) the Black Friars are called the Friars Preachers of *St. Nicholas*. From another passage quoted from the same MS. by Canon Morris (p. 164), it would appear that the Blackfriars convent was in Watergate Street. The name of Black Friars now given to the street which runs westwards to the walls, opposite St. Martin's church,

must be due to a misunderstanding. Black Friars Lane is said to have been an old name for at least part of Nicholas Street. Cf. the map given by Morris (p. 227).

Page 216, No. 326. In the manuscript catalogue of the Mainwaring charters, Mr. Jeayes gives the names of four more witnesses (after William de Verdon), Auueredus de Oreng', Robert and Ralph Saraceni, and Master Hugh, and Thomas (*not* Peter) as the name of the clerk who wrote the charter. As the original is not at present accessible, I have not been able to check this.

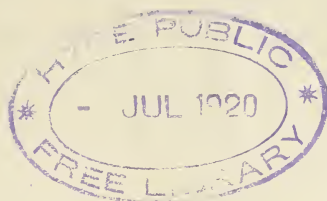
Page 218, No. 331 *n*. See also D.K. 26 Rep. App. IV., p. 36.



LIST OF ABBREVIATIONS OF TITLES OF BOOKS AND MANUSCRIPTS REFERRED TO

<i>Acta SS.</i>	. . .	Acta Sanctorum. Bolland, etc.
<i>Add. Ch.</i>	. . .	Additional Charters in the British Museum.
<i>Add. MSS.</i>	. . .	Additional Manuscripts in the British Museum.
<i>Ann. Cestr.</i>	. . .	Annales Cestrienses. Lancs. and Cheshire Record Society, vol. 14.
<i>A.-S. Chr.</i>	. . .	The Anglo-Saxon Chronicle. Ed. C. Plummer.
<i>Anselmi Epp.</i>	. . .	Anselmi Epistolae in Opera Anselmi. Ed. G. Gerberon, 1721. Also in Migne's Patrologia.
<i>Bradshaw, Lyfe, etc.</i>	. . .	H. Bradshaw. Lyfe and History of Saynt Werburge. Chetham Society. Old Series, vol. xv.
<i>C.C.R.</i>	. . .	Calendar of Close Rolls.
<i>C. Ch. R.</i>	. . .	Calendar of Charter Rolls.
<i>C.F.R.</i>	. . .	Calendar of Fine Rolls.
<i>Cal. Inq.</i>	. . .	Calendar of Inquisitions Post Mortem, etc.
<i>Cal. Inq. Misc.</i>	. . .	Calendar of Inquisitions. Miscellaneous.
<i>C.P.R.</i>	. . .	Calendar of Patent Rolls.
<i>Chest. Arch. Soc. Journ.</i>	. . .	Journal of the Chester Archaeological Society
<i>Cheth. Soc.</i>	. . .	Publications of the Chetham Society.
<i>Cotton MSS.</i>	. . .	Cotton Manuscripts in the British Museum.
<i>D.B.</i>	. . .	Domesday Book, 1783.
<i>D.K. Rep.</i>	. . .	Reports of the Deputy Keeper of the Rolls.
<i>Domesd. Surv. of Chesh.</i>	. . .	Domesday Survey of Cheshire. Ed. J. Tait, Chetham Society. New Series, vol. 75.
<i>Dugd. Bar.</i>	. . .	Sir W. Dugdale. Baronage of England. 1675-1676.
<i>Dugd. Mon.</i>	. . .	Dugdale's Monasticon Anglicanum. Ed. Caley, Ellis, and Bandinel. 1846.

- E.D.D.* English Dialect Dictionary. Ed. J. Wright.
Eng. Hist. Rev. . . . The English Historical Review. 1886, etc.
Eyton R. W. Eyton. Antiquities of Shropshire.
 1854-60.
Eyton, Itin. . . . R. W. Eyton. Court, Household, and Itinerary
 of Henry II. 1878.
Flor. Wig. Florence of Worcester. Ed. T. Thorpe. 1848.
Harl. MSS. Harley Manuscripts in the British Museum.
Hist. Soc. Historic Society of Lancashire and Cheshire.
Leycester, Hist. Ant. . Sir Peter Leycester. Historical Antiquities.
 1673.
Lib. Eliens. Liber Eliensis. Ed. D. J. Stewart. Anglia
 Christiana Society. 1848.
Morris, Chester . . . R. H. Morris. Chester in the Plantagenet and
 Tudor Reigns. 1893.
N.E.D. New English Dictionary. Oxford.
Ord. Vital. Orderic Vitalis. Historia Ecclesiastica. Ed. A.
 le Prévost. Société de l'Histoire de France.
 1838-55.
Orm. George Ormerod. History of Cheshire. Ed. T.
 Helsby. 1882.
Orm. Domesday . . . George Ormerod. Memoir on the Cheshire
 Domesday Roll. In Miscellanea Palatina.
 1851 (also separately).
P. and M. Hist. Eng.
Law F. Pollock and F. W. Maitland. History of
 English Law. 2nd edition. 1898.
Polychr. R. Higden. Polychronicon. Rolls Series.
Record Soc. Publications of the Record Society of Lanca-
 shire and Cheshire.
R.S. Rolls Series. Chronicles and Memorials.
Rot. Chart. Rotuli Chartarum, 1199-1215. Record Com-
 mission. 1837.
Rot. Litt. Claus. . . . Rotuli Litterarum Clausarum, 1204-27. Re-
 cord Commission. 1833-44.
Rot. Litt. Pat. Rotuli Litterarum Patentium, 1201-16. Record
 Commission. 1835.
Round, C.D.F. . . . J. H. Round. Calendar of Documents preserved
 in France. 1899.
Staffs. Hist. Coll. . . . Staffordshire Historical Collections. William
 Salt Society. 1881, etc.
Trans. Transactions. See Chester and Record.
V.C.H. Victoria County Histories. 1900, etc.
Whalley C.B. The Coucher Book of Whalley Abbey. Chetham
 Society. Old Series, vols. x., xi., xvi., xx.



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BISHOPS OF CHESTER (COVENTRY AND LICHFIELD)

	Consecration.	Death or Resignation.
Robert de Limesey	1086	Aug. 30, 1117
Robert Peche	Mar. 13, 1121	Aug. 22, 1126
Roger de Clinton	Dec. 22, 1129	Apr. 16, 1148
Walter Durdent	Oct. 2, 1149	Dec. 7, 1159 or 1160 ¹
Richard Peche	1161	Oct. 6, 1182
Gerard la Pucelle	Sept. 25, 1183	Jan. 13, 1184
Hugh de Nonant	Jan. 31, 1188	Apr. 27, 1198
Geoffrey de Muschamp	June 21, 1198	Oct. 6, 1208
William de Cornhill	Jan. 25, 1215	Aug. 20, 1223
Alexander de Stavensby	Apr. 14, 1224	Dec. 26, 1238
Hugh de Pateshull	July 1, 1240	Dec. 7, 1241
Roger de Weseham	Feb. 19, 1245	Dec. 4, 1256
Roger de Meulan (Longespée)	Mar. 10, 1258 ^{1a}	Dec. 16, 1295
Walter de Langton	Dec. 22, 1296	Dec. 9, 1321

ABBOTS OF CHESTER ²

	Date of Election.	Date of Death or Resignation.
1. Richard de Bec	1092 or 1093 ³	April 15 or 16, ⁴ 1117 ⁵
2. William	1121 ⁶	Oct. 5, ⁷ 1140

¹ Le Neve, *Fasti Eccl. Angl.*, ed. Hardy, i. 544, n. 73.

^{1a} See Addenda.

² Authorities: *Annales Cestrienses*, ed. Christie (Ann.); Wharton's extracts from Cott. MS. Otho B. iii. (Wh.) in Christie's introduction (p. xx); Tanner MS. 169 (Tan.), in Miss M. V. Taylor's *Some Obits of Abbots and Founders of St. Werburgh's Abbey*, appended to her edition of *Liber Luciani de Laude Cestrie* (Lancs. and Chesh. Rec. Soc. 64); Harl. MSS. 1989, ff. 452-3 and 2071, f. 15, quoted by her; Ormerod (ed. Helsby, i. 250), who professes to have taken the dates of death, etc., from the manuscript chronicle of the abbey, *i.e.* the Gastrell MS. (G.) of the *Annales*, but adds details from an unspecified source (apparently Harl. 1989), not always correctly given. He is copied with slight additions in Dugd. Mon. ii. 372 sqq.

³ 1093 in *Ann.* 16, but see *infra*, p. xxiii.

⁴ 15 (Tan.), 16 (Harl.); Orm.'s 26 is a mere slip.

⁵ 1116 *Ann.* (G.) 18, 124, preferred in *Obits*, 94, but the other MSS. all have 1117, and the *Ann.* themselves couple his death with that of Bp. Robert (de Limesey), who died in Aug. 1117.

⁶ *Ann.* 18. See *infra*, p. xxvi.

⁷ *Ann.* xx., 20, *Obits*, 100; Orm. misreads xi. for iii. non. Oct.

	Date of Election.	Date of Death or Resignation.
3. Ralph	Jan. 22, 1141 ¹	Nov. 16, ² 1157 ³
4. Robert (I.) fitz-Nigel.	Nov. 16-Dec. 6, ⁴ 1157	Jan. 31, 1175 ⁵
5. Robert II. . . .	Feb. 3, 1175 ⁶	Aug. 27-Sept. 1, 1184 ⁷
6. Robert (III.) de Hastings	May 1186 ⁸	resigned 1194 ⁹
7. Geoffrey	1194 ¹⁰	May 7, 1208 ¹¹
8. Hugh Grylle . . .	1208 ¹²	July 22, 1226 ¹³
9. William Marmion .	July 26, 1226 ¹⁴	Sept. 26, 1228 ¹⁵
10. Walter de Pinchbeck.	Sept. 26-Oct. 16, ¹⁶ 1228	July 16, 1240 ¹⁷
11. Roger Frend . . .	July 16-Sept. 21, ¹⁸ 1240	Sept. 23, 1249 ¹⁹

¹ *Ann.* xx., 20. The dates from Jan. 1 to March 24 are given in New Style in this list.

² Tan., Harl. 1989 (*Obits*, 101).

³ *Ann.* xx., 22.

⁴ Benediction at Lichfield (*Ann.* 22); Dugd. (*Mon.* ii. 372) carelessly says "elected."

⁵ *Ann.* xx., 26; *Obits*, 91, 99, where the editor reads the date 1174 as New Style. Orm. omits day and month, and Dugd. has "in the month of Feb."

⁶ *Ann.* xx., 26 (G. 125 under 1174); benediction at St. John's, Chester, Feb. 5 (*ibid.*).

⁷ August 27 (Harl. 1989), August 30 (*Ann.* xx., 30), September 1 (Tan. in *Obits*, 99). Owing to the minority of Ranulf III. the abbey was in the king's hands for nearly two years (*ibid.* *Pipe R.* 31 Hen. II. 142; *Receipt R. of Exchequer*, 1185, ed. Hall, 29).

⁸ Hastings, a monk of Canterbury and partisan of Archbishop Baldwin, was thrust upon the abbey by Henry II. and the archbishop apparently in May 1186 and received Baldwin's benediction at Canterbury in the July following (Gervase of Canterbury, i. 335 (R.S.)), *Ann.* xx., 34 (with date 1185).

⁹ After much litigation Robert's rival Geoffrey, who had the earl's support, secured his confirmation in the abbacy in the court of Archbishop Hubert Walter, Hastings being retired on a pension of 20 marks (*Ann.* xx., 44, 127).

¹⁰ *Ibid.*

¹¹ Harl. MS. 1989 in *Obits*, 94; Orm. i. 250.

¹² *Ann.* 48. Wh. has "Hugo abbas 1214 installatus 1214, 3 Cal. Apr. die Pasche" (March 30) (*ibid.* xx.). The delay in installing him has been attributed to the interdict. Grylle had been a monk of Spalding (Harl. MS. 2071, f. 16 (2)).

¹³ *Ann.* xx., 54, 127. Wh. supplies the month and day. Orm. has April 21. Tan. omits this obit.

¹⁴ *Ann.* 54 gives year only. Precise date from Wh. (*ibid.* xx.), who gives the day of his benediction at Chester as the Tuesday following (28th), converted into "next day" in Dugd. *Mon.* ii. 373.

¹⁵ *Ann.* xx., 54 (G.), 127 (year only). Month and day in Tan. (*Obits*, 100). Harl. 1989 has August 27.

¹⁶ Benediction at London "die S. Michaelis in Monte Tumba" (*Ann.* 54, 127), not Michaelmas day as Orm. i. 251 and Dugd.

¹⁷ *Ann.* xx., 60, 128 (year only). Precise date from Tan. (*Obits*, 97). June 16 in Harl. 1989.

¹⁸ Benediction at Coventry (*Ann.* xx., 60, 128).

¹⁹ *Ann.* xx., 66, 128 (year only). Month and day in Tan. and Harl. 1989 (*Obits*, 100). Order to give custody of abbey lands to Fulk de Orreby, Sept. 28 (*Close R.* 33 Hen. III. m. 3).

	Date of Election.	Date of Death or Resignation.
12. Thomas (I.) de Capenhurst .	Oct. 1-15, 1249 ¹	March 29-April 1, 1265 ²
13. Simon de Albo Monasterio .	April 17, 1265 ³	Feb. 22, 1291 ⁴
14. Thomas (II.) de Burchells ⁵ .	March 12, 1291 ⁶	Dec. 23, 1323 ⁷

EARLS OF CHESTER⁸

1. Hugh I. (of Avranches). *Cr.* earl 1071; *m.* Ermentrude, dau. of Hugh, Count of Clermont en Beauvoisis; *d.* July 27, 1101.
2. Richard. *B.* 1094, *succ.* 1101; *m.* 1115 Matilda de Blois, niece of William I.; *d.* November 25, 1120.
3. Ranulf I. (Le Meschin). *Cr.* earl before January 16,^{8a} 1121; *m.* Lucy, widow of Roger fitz-Gerold; *d.* January 17, 1129.⁹

¹ *Ann.* xx., 66, 128 (year only). Lic. to elect, October 1; royal assent, October 15 (*C.P.R.* 1247-58, pp. 48, 51). Restitution of temporalities, November 2 (*Close R.* 34 Hen. III. m. 20). Order to Orreby to restore issues taken during vacancy, March 18, 1250 (*ibid.* m. 14). See *infra*, No. 36.

² The "4 Kal. Maii" of *Ann.* 92, 131 is clearly an error in the month. Tan. and Harl. 1989 agree on March 29; a Dodsworth extract gives April 1 (*Obits*, 93). The curious "superfuit anno 1272" of Wh. (*Ann.* xx.) is apparently a false inference from the royal decision of 1292 regarding custody of the abbey during vacancies, where the vacancy after Thomas's death is ignored as under Montfort's rule (*Rot. Parl.* i. 81).

³ *Ann.* 92, 131. His admission was delayed by Montfort's Justice, Lucas de Taney, but soon allowed by himself, and confirmed by Bishop Roger (May 25). Restitution of temporalities, May 28; benediction at Tachbrook, May 31. Admitted by the lord Edward at Beeston, August 14 (*ibid.*).

⁴ News of death and lic. to elect his successor March 1 (*C.P.R.* 1281-92, p. 423). Day of death in *Ann.* 116, 134 (with some confusion as to the year) and Tan. (*Obits*, 91). Orm., who misreads the month and arrives at April 24, has adopted the wrong year 1289, probably from one of the Randle Holmes MSS. (e.g. Harl. 2071, f. 15 (1)) where it seems to be based upon an erroneous calculation from the statements that Simon was in his forty-fifth year at his election (*Ann.* 92), and sixty-nine at his death (Orm. i. 252. From an unnamed source).

⁵ Perhaps from the hamlet now written Birtles. See Orm. iii. 709.

⁶ "On the feast of St. Gregory" (*Ann.* 118). Christie needlessly questioned the reference to the Chester vacancy of this mutilated entry of the succession of Thomas de "Lythelas," for the date fits neatly between the lic. to elect on March 1 and the royal assent on March 21 (*C.P.R.* 1281-92, 423, 425). Orm. gives January 30 without reference.

⁷ Month and day in *Obits*, 93, 102. The year seems on the whole more likely than 1324 (see Orm. i. 252, n. d).

⁸ Local documents always reckon Hugh and not Gherbod the Fleming as the first earl. Some fresh light is thrown on the dates of death of the earls by Miss Taylor's notes on the obits in Tanner MS. 169 (*Lancs and Ches. Rec. Soc. Publ.* 64).

^{8a} *Brit. Mus. Facsimiles* (1066-1199), No. 3.

⁹ The month and day from *Obits*, 90. One MS. of the *Ann. Cestr.* places his death under 1128, but after the *d.* of Godfrey, abbot of Shrewsbury, on March 22 (*Dugd. Mon.* iii. 514), the other under 1129. It was shortly before the Pipe Roll of Mich. 1130 was drawn up.

4. Ranulf II. (de Gernons). *Succ.* 1129; *m.* bef. 1135 Matilda, dau. of Robert, Earl of Gloucester; *d.* December 17,¹ 1153.
5. Hugh II. (of Cyveiliog). *B.* 1147; *succ.* 1153; *m.* 1169 Bertrade, dau. of Simon, Count of Evreux; deprived of his earldom for rebellion July 1174, restored January 1177; *d.* June 30, 1181.
6. Ranulf III. (de Blundeville). *B.* 1170; *succ.* 1181; *m.* (1) February 3, 1188, Constance of Richmond and Brittany, and in her right styled himself Earl of Richmond and Duke of Brittany until deserted by her Oct. 1199; (2) bef. October 7, 1200, Clemence, widow of Alan de Dinan, dau. of William de Fougères; *d.* October 26, 1232.
7. John (le Scot). *B.* c. 1207; Earl of Huntingdon and Cambridge, 1219; *m.* 1222 Helen, dau. of Llewelyn ap Iorwerth; *cr.* Earl of Chester November 21, 1232; *d.* June 7(?)² 1237.^{*}
8. Edward (son of Henry III.). Received a grant of the county of Chester February 14, 1254. The county was transferred to Simon de Montfort shortly before December 24, 1264, but reverted to Edward after the *d.* of Simon on August 4, 1265. In 1272 it merged with his other honours in the Crown.
9. Simon de Montfort. *Circa* December 1264–August 1265³ (see above).
10. Edward, son of Edward I. Received a grant of the county of Chester February 7, 1301, which on July 8, 1307, merged with his other honours in the Crown.
11. Edward (son of Edward II.). Received a grant of the county of Chester November 24, 1312. On January 25, 1327, all his honours merged in the Crown.

JUSTICES OF CHESTER⁴

Adam	occurs between 1130 and 1150. ⁵
Ralph de Mesnilwarin	oc. <i>temp.</i> abbot Geoffrey (1194–1208). ⁶

¹ *Obits*, 102. December 16 usually given is probably a slip.

² *Obits*, 95. The MSS. sources all agree on June 7, but in a letter dated June 6 Henry III. says he has heard for certain of the death of the earl (*C.P.R.* 1232–47, p. 184).

³ For his tenure see *Ann.* 90–95, and Stewart-Brown, *The End of the Norman Earldom of Chester*, in *Eng. Hist. Rev.* xxxv. 53.

⁴ For the dates from Segrave's justiceship I am indebted to Miss Margaret Tout's careful revision of the lists given by Ormerod (*Hist. of Chesh.* i. 61–2) and (for 1307–27) Professor Tout (*Place of Edward II. in English History*, 379). Down to 1237 and between 1254–72 and 1312–27 official records of appointments are wanting and the dates are approximate. For the place of the justice in the administration of the earldom see below, p. xlv.

⁵ No. 351.

⁶ *Orm. Mem. on. Ches. Domesd. Roll*, 11.

Philip de Orreby	.	.	bef. Oct. 1208 ¹ -Apr. 1229. ²
William de Vernon	.	.	Apr. 1229 ³ -33.
Richard Fitton	.	.	oc. June 12, 1233-37. ⁴
Stephen de Segrave	.	.	June 22, 1237. ⁵
Richard de Draycot	.	.	oc. between Oct. 1237-Oct. 1238. ⁶
John de Lexington	.	.	oc. Feb. 1240 ⁷ -Dec. 1240. ⁸
John Lestrangle	.	.	Dec. 6, 1240 ⁹ -Oct. 1245. ¹⁰
John de Grey	.	.	c. Oct. 28, 1245 ¹¹ -July 2, 1250. ¹²
Alan de la Zouch	.	.	July 2, 1250 ¹³ -after May 10, 1255. ¹⁴
Gilbert Talbot	.	.	Sept. 29, 1255 ¹⁵ -c. May 17, 1257. ¹⁶
Roger de Mold	.	.	May 27, 1257 ¹⁷ -Sept. 29, 1259. ¹⁸
Fulk de Orreby	.	.	Sept. 29, 1259 ¹⁹ -Aug. 23, 1261. ²⁰
Thomas de Orreby	.	.	Sept. 3, 1261 ²¹ -after Dec. 25, 1262. ²²
William de la Zouch	.	.	Jan. 18, 1263 ²³ -c. Dec. 25, 1264. ²⁴
Lucas de Tanai (Taney)	.	.	Jan. 5-14, 1265 ²⁵ -June(?) 1265. ²⁶
James de Audley	.	.	June(?) 1265 ²⁷ -67. ²⁸
Thomas de Bolton	.	.	1267 ²⁸ -after Jan. 5, 1270. ²⁹
Reginald de Grey	.	.	1270 ³⁰ -Oct. 16, 1274.
Guncelin de Badlesmere	.	.	Oct. 16, 1274 ³¹ -Nov. 14, 1281.
Reginald de Grey	.	.	Nov. 14, 1281 ³² -betw. Aug. 1299 and March 20, 1300. ³³
Richard de Massey	.	.	June 7, 1300 ³⁴ -Apr. 1301.
William de Trussell	.	.	Apr. 12, 1301. ³⁵ oc. 1305-6. ³⁶
William de Ormesby	.	.	acting May 10-Sept. 11, 1307. ³⁷

¹ Orm. *Hist.* i. 422-3, Nos. 7 and 9. Possibly before Nov. 13, 1207 (*Rot. Litt. Claus.* 96b, *Lancs Inq.* (Rec. Soc.) i. 119). Canon Morris in *Chester in Plantagenet and Tudor Reigns* dates Orreby's justiceship from 1202, but gives no authority.

² *Ann. Cestr.* 54.

³ *Ibid.* 56.

⁴ *Ibid.* 58; Orm. *Domesd.* 13.

⁵ *C.P.R.* 188; *C.C.R.* 558; *C.P.R.* 278. Segrave's justiceship, to which Miss Tout was the first to draw attention, may have been very brief, but it is curious that Draycot's name does not occur on the Close and Patent Rolls.

⁶ *Ann.* 61; Orm. i. 61; *Domesd.* 14.

⁷ *C.C.R.* 173.

⁸ *C.P.R.* 240.

⁹ *C.P.R.* 240.

¹⁰ *C.C.R.* 345; *Ann.* 64.

¹¹ *Ibid.*; *C.P.R.* 465. Orm. notes Hen. Torboc and Rich. Vernon as *locum tenentes* in 1247-48 and 1248-49, respectively.

¹² *C.P.R.* 70.

¹³ *Ibid.*; *Ann.* 68.

¹⁴ *Ibid.* 71; *C.P.R.* 432.

¹⁵ *Ann.* 71.

¹⁶ *Ibid.* 74.

¹⁷ *Ibid.*

¹⁸ *Ibid.* 76.

¹⁹ *Ibid.*

²⁰ *Ibid.* 78.

²¹ *C.P.R.* 174; *Ann.* 78.

²² *Ibid.* 82.

²³ *C.P.R.* 240.

²⁴ *Ibid.* 392; *Ann.* 90.

²⁵ *Ibid.*

²⁶ *Ibid.* 94.

²⁷ *Ibid.*

²⁸ *Ibid.* 98.

²⁹ *Ibid.* 100; *C. Chr. R.* 1292, p. 417.

³⁰ *Ann.* 100.

³¹ *C.F.R.* 31.

³² *C.P.R.* 464. Richard de Massey, William de Brychull, and John de Grey acted as vice-justices and *locum tenentes* at various dates.

³³ *C.C.R.* 316; *C.F.R.* 426.

³⁴ *Ibid.* 428; already acting Nov. 21, 1299 (*C.C.R.* 825).

³⁵ Stewart-Brown, *Chesh. Chamberlains' Accounts* (Lancs and Chesh. Rec. Soc. 59), 13.

³⁶ Jones, *Flintshire Chamberlains' Accounts* (Flintshire Hist. Soc.), 58.

³⁷ *Chesh. Plea R.* 19, m. 3; *D.K.* 31 Rep. App. 3, p. 228; 36 Rep. App. 2, p. 35.

Robert de Holland	.	.	Aug. 18, 1307 ¹ -Oct. 24, 1309.
Payn Tibotot	.	.	Oct. 24, 1309 ² -Jan. 1312. ³
Robert de Holland	.	.	Dec. 26, 1311 ⁴ -c. Nov. 25, 1312. ⁵
Hugh de Audley	.	.	oc. Dec. 7, 1312 ⁶ -May 1318. ⁷
John de Sapey	.	.	oc. July 11-Oct. 23, 1318. ⁸
Robert de Holland	.	.	oc. Feb. 6, 1319 ⁹ -Jan. 26, 1322. ¹⁰
Oliver de Ingham	.	.	oc. March 30, 1322 ¹¹ -c. May 1325. ¹²

¹ *Plea R.* 19, m. 11*d* (order to surrender the office to him; reached Ormesby Sept. 18); cf. *C.F.R.* 5.

² *Ibid.* 50.

³ *C.P.R.* 427 (order to surrender).

⁴ *C.F.R.* 122.

⁵ *C. Chr. R.* 202.

⁶ Stewart-Brown, *op. cit.* 78. David and Robert Hemington act for him in Apr. and May, 1315.

⁷ *Plea R.* 31, m. 13.

⁸ *Plea R.* 31, m. 17*d*; *Eyre R.* 2, m. 3.

⁹ *Plea R.* 32, m. 10*d*. Robert de Shirburn, vice-justice, in 1320.

¹⁰ *Ibid.* 34, m. 6.

¹¹ *Ibid.* m. 8. Keeper of the county on Feb. 19 (*C.P.R.* 72).

¹² *Plea R.* 37; *D.K.* 31 Rep. App. 3, p. 189.

INTRODUCTION

- I. Life of St. Werburgh, p. viii.—II. The collegiate church of St. Werburgh, p. xv.—III. The foundation and early history of the Benedictine abbey, p. xxii.—IV. The charters and registers of the abbey, p. xxviii.—V. The question of the genuineness of charters ascribed to the first four earls, p. xxxv.—VI. The evidence of charters as to the administration of the palatine earldom, p. xlv.

THE Benedictine abbey of St. Wereburgh or Werburgh at Chester was a refoundation by Hugh of Avranches, the first ¹ Norman earl, of a church of secular canons dedicated to the same saint. Little is known of the history of this church or of the life of St. Werburgh. Legend and guesswork have had free scope, and while some of these accretions are easily detected, in other cases it is hard to separate the few grains of historical fact from later additions. The earliest accounts are not always consistent, and this has helped to produce the confusion found in modern writers who have dealt with the subject. A false inference from a doubtful statement in the twelfth century *Liber Eliensis* leads Sir Henry Howorth to assert as ascertained fact, in the teeth of all the early authorities, including the *Liber Eliensis* itself, that Sheppey and not Ely was Werburgh's first monastery, thereby hopelessly throwing out the whole chronology of her life.² Even Mr. Plummer, usually so careful a scholar, identifies the virgin saint with her namesake, the queen of her first cousin, Ceolred, King of Mercia, a long-lived lady who did not die until 782, and

¹ Ignoring (as the monks did) the brief earldom of Gherbod (1070-71).

² *The Golden Days of the Early English Church*, iii. 220.

is bewildered that the saint should appear to have lived 107 years after the death of her father.¹ Imaginary nunneries are placed at Weedon and Chester on the authority of writers as late as the fourteenth century in the first case. There is some reason to believe that a third Anglo-Saxon nunnery has been misplaced. The best modern account of St. Werburgh and her connection with Chester is by Bishop Stubbs,² but even that requires some correction and amplification.

I

St. Werburgh was the daughter of Wulfhere, King of Mercia (658-75), by his Kentish wife Eormenhild, daughter of St. Sexburgh, niece of St. Æthelthryth (Etheldreda), and herself afterwards canonized. The earliest authorities for the history of Werburgh, Goscelin (or Joscelyn) in his life of the saint,³ and Florence of Worcester in his *Chronicon ex Chronicis*,⁴ agree that she took the veil at Ely under her great-aunt Æthelthryth, but Goscelin places this step before the death of her father in 675, and Florence after it. The difference is not great, as the monastery was only founded in 673, and yet it at once raises the question of the relative weight of the two sources. Stubbs described Florence as our oldest and best authority and the life as a work of edification which "adds little to our historical knowledge."⁵ All that we know of Florence is that he was engaged on his chronicle until shortly before his death in 1118. Goscelin, a native of Picardy, came to England before 1060 and wrote at least one of his lives of old English saints before 1090. It is therefore quite possible that the life of St. Werburgh was written

¹ *Two Saxon Chronicles*, ii. 56.

² *Dict. Christ. Biogr.* iv. 1174.

³ *Acta Sanctorum* (Bolland), Feb. i. 387 (printed from a "very ancient" MS. sent by Camden to Rosweyd, possibly that now in the Cotton MSS. (Caligula, A 8; it is found also in M.S. C.C.C. Cant. No. 393); cf. *D.N.B.* xxii. 253. The *Vita* is reprinted by Horstmann in his Introduction to Bradshaw's *Life* (E.E.T.S. Old Ser. 88), xix. *sqq.*

⁴ Ed. Thorpe (*Engl. Hist. Soc.*), 1848, i. 32.

⁵ *Loc. cit.*

before Florence's brief account of the saint. Apart from the divergence noted above, and one or two minor ones which will be mentioned later, there is nothing to forbid the suggestion that Florence used the life. The incidental way in which both first introduce the names of two of Werburgh's monasteries in connection with her death might seem to support this view. On the other hand, there are no very close verbal resemblances, and the general likeness in substance may be due to the use of a common source or sources. Goscelin's life of Werburgh, like other Latin lives of Anglo-Saxon saints, was probably based on an old English life which may also have been in the hands of Florence. Their disagreement on the date of Werburgh's entrance at Ely might be traceable to a hesitation in the common source. It is important to observe that Florence records no fact that is not in the life.

According to Goscelin, Eormenhild on the death of her husband joined her daughter at Ely.¹ Werburgh showed a prudence and holiness which induced Æthelred, her father's brother and successor (675-704) to invest her with the headship (*principatum*) of the nunneries which were eminent in his realm.² Perhaps a general superintendence only was involved, though Florence says she was appointed *abbatissae jure*, for the ordinary rule of the convents must surely have been left to others, and she seems to have spent part of her time at all events at her own house at Weedon in Northamptonshire, now Weedon Bec.³

Of the nunneries under her care two only, Trickingham⁴ and Hanbury,⁵ are named by Goscelin and Florence. Ranulf Higden,

¹ *Acta Sanctorum*, Feb. i. 388.

² *Monasteriorum Sanctimonialium*, quae in suo regno pollebant (*ibid.*). Florence limits her appointment to quibusdam monasteriis. The date was probably after 679 (*infra*, p. xi.).

³ *Acta Sanctorum*, *u.s.*

⁴ Tricengeham, Goscelin; Triccingaham, Florence.

⁵ Heamburga, Goscelin; Heanbyrig, Florence, who in both cases preserves the more correct form.

monk of St. Werburgh's, Chester, who compiled the famous *Polychronicon* in the middle of the fourteenth century, adds Weedon;¹ and a later brother of the same house, Henry Bradshaw (*d.* 1513), in his metrical English life of St. Werburgh, enlarges on this by a statement that the king's house there was translated to an abbey by her commandment, and adds a fourth, Repton, to the list.² But Goscelin, as we have seen, says nothing about a monastery at Weedon, and nothing at all about Repton. These are not, indeed, the worst of the confusions introduced into the story by these popular and quite uncritical compilers.

The accepted identification of the second of the two monasteries known to have been in her charge, and the place of her burial with Hanbury in Staffordshire, five miles north-west of Burton-on-Trent, seems to be satisfactorily clinched by the fact, hitherto unnoticed in this connection, that this Hanbury belonged to St. Werburgh of Chester in 1066. It is not surveyed under that name, but most of it, including the church, as a priest is mentioned, under Felede, the modern Fauld, the whole of which vill had been the property of the saint, but by 1086 had passed into the hands of Henry de Ferrers.³ Local memory must be very tenacious, if it be true, as Eyton declares, that "traditions of the holy lady's personal converse with the vicinity of Fauld have survived the spoliation both of conquest and of time."

The identification of Trickingham with Trentham is more doubtful. It makes its first known appearance in Bradshaw's poem,⁴ and as Trentham certainly bore its present name in the eleventh century one would have expected the change to have been noted by some of the earlier writers who mention Tricking-

¹ *Polychr.* (R.S.) vi. 126.

² *Lyfe and History of Saynt Werburge* (Chetham Soc. O.S. xv.), 122. Also ed. by C. Horstmann, E.E.T.S. Old Ser. 88 (with valuable Introduction). Bradshaw goes beyond his authority in making the saint *found* the first two (p. 86). But he is not consistent (cf. p. 122).

³ D.B. i. 248b; Eyton, *Domesd. Studies, Staffs.* 48, 61. The church is dedicated to St. Werburgh.

⁴ *Op. cit.* 122-3.

ham. The truth is that there was a place of that name (now Threckingham) near Folkingham in South Lincolnshire, within the bounds of Mercia, and there is probably no good reason to look for the monastery anywhere else. The comparative nearness of Trentham to Hanbury, in view of the story of the removal of Werburgh's remains from Trickingham to the latter place,¹ may have favoured a natural ambition of the canons of Trentham, whose house was refounded by Earl Ranulf II. of Chester,² to establish an early connection with St. Werburgh.

If Trickingham was the Lincolnshire Threckingham, Werburgh's appointment by Æthelred must have been later than 679, for during the first four years of his reign Lindsey was occupied by the Northumbrians.³

As Goscelin and Florence of Worcester agree that Werburgh died at Trickingham, and by her own orders was buried at Hanbury, it would be fairly clear that she held the post which her uncle gave her to the end of her life, even if Florence did not expressly assert it. This makes it difficult to accept as historical certain alleged episodes in her life which are found only in the *Liber Eliensis*, in spite of the opinion of Bishop Stubbs in favour of their credibility. That St. Sexburgh succeeded her sister St. Æthelthryth as abbess of Ely, and that she still held that office in 695 or 696 is known from a comparison of the A.-S. Chronicle with Bede.⁴ It is only the Ely history which supplies the informa-

¹ *Infra*, p. xiii.

² Dugd. *Mon.* vi. 397.

³ Oman, *England before the Norman Conquest*, 299.

⁴ The Chronicle places St. Æthelthryth's death in 679 (perhaps really 680), and Bede states that her sister translated her remains sixteen years later (iv. 19). The wording of Bede's reference to her marriage with Ecgrith earlier in the same chapter has been recently interpreted by Dr. Poole as implying that it was subsequent to his accession in 671 (*Eng. Hist. Rev.* xxxiv. 17 n.), but as Bede places her death twenty years after her marriage, this interpretation would destroy the Chronicle's dates for that event and for her foundation of Ely (673). Such a late date is also irreconcilable with the chronology of the lives of St. Wilfrid and St. Werburgh. Bede's language is ambiguous, but Ecgrith and Æthelthryth must have been married many years before his accession, probably in 660.

tion that on her death, usually placed four years later, her place was taken by her daughter Eormenhild, then abbess of Minster in Sheppey,¹ and that the latter was succeeded first at Sheppey and afterwards at Ely by her own daughter Werburgh.² These appointments, the Kentish one especially, can hardly have been compatible with her other post; they were clearly unknown to the source or sources followed by Goscelin and Florence, and, as will be seen, it is not even certain that she was alive to hold them. It cannot be said that the authority of the *Liber Eliensis* is sufficient to outweigh these considerations. It is a twelfth century compilation by various hands, completed about 1169 by Thomas of Ely, and its only sources for the other facts of Werburgh's life are Goscelin and Florence themselves, from both of which it copies passages verbally, carefully omitting, however, the latter's statement that she continued to live in the nunneries entrusted to her by Æthelred to the end of her life.³ How far the lost life of Eormenhild to which it refers countenanced its statements it is now not possible to say, but the abridged life in Capgrave's collection gives it no support, and it records no single circumstance of Werburgh's alleged administration at Ely, and if three of this family quartette of saints were abbesses here in succession, there would be a strong temptation to add the fourth to the list.

To Stubbs the dedication of Hoo St. Werburgh, which faces Minster across the Medway, seemed to confirm the story of the saint's abbacy in Sheppey, but the connection of one so famous with the royal family of Kent is perhaps explanation enough. There are other pre-Reformation dedications to her outside the bounds of Mercia, one in Devon and two in Cornwall.⁴

¹ *Lib. Eliens.* ed. D. J. Stewart, 77. A note in *Acta SS.* ad Feb. xiii. places Eormenhild's appointment to Ely as late as 703, but gives no authority.

² *Ibid.*

³ It assumes, however, that she held Ely (*jure praelationis*) along with them.

⁴ Arnold-Forster, *Studies in Church Dedications*, ii. 374, iii. 451. An early dedication in London (Stow, ed. Kingsford, ii. 355) is unnoticed.

St. Werburgh died at Trickingham on February 3,¹ in a year which Goscelin unfortunately omits to record. Chester tradition, on what authority we know not, placed it as early as 690,² which, if it were confirmed, would effectually dispose of her alleged tenure of the abbacies of Sheppey and Ely. This date, however, is inconsistent with a story, which contains an element of legend indeed, but goes back to the eleventh century at least, that her body was first translated from a grave to a shrine (*thecam*) by her cousin, King Ceolred (709-16), nine years after her death, and was then found entirely incorrupt.³ According to this, the date of her decease would fall between 700 and 707.

In pursuance of her directions she was buried at Hanbury, though a famous story in Goscelin relates that the Trickingham nuns wished to retain possession of the remains, and a miraculous intervention was required before the emissaries of the favoured monastery secured and carried away the body.

At Hanbury it remained incorrupt, it is said, for nearly 200 years, until the Danish invasions, when at last it "obeyed the law of mortality" and crumbled away, lest the heathen should lay impious hands upon it.⁴ With this picturesque touch Goscelin and Florence (probably following an older Anglo-Saxon life) end the history of the saint. Nothing is said of her trans-

¹ *Acta SS.* Feb. i. 389. This was afterwards observed as her principal feast, but there was another festival of the saint, more important at Chester, in the summer (June 21) which was the central day of St. Werburgh's fair. The latter feast commemorated her translation to the city, and is accordingly described by William of Worcester (ed. Nasmyth, p. 165) as the day of "St. Werburgh of Chester." The earliest known mention of it occurs in a manuscript of the tenth or eleventh century (M. R. James, *Cat. of MSS. C.C.C. Camb.* p. 114), where by a slip it is given as "10 kal. Iul.," i.e. June 22. The double feast has led to some confusion, extending even to the suggestion of "another unknown saint of her name" (*D.N.B.* lx. 295). In the seventeenth century her feast was usually celebrated on June 16 (Leycester in *Orm.* i. 567).

² *Annales Cestrienses*, ed. Christie (Lancs. and Chesh. Rec. Soc. 14), 10. Tanner's date 683 (*Not. Mon. s.v.* Trincingham now Trentham) is a mere careless misreading of the date of *queen* Werburgh's death (*supra*, p. vii.) in Symeon of Durham, who puts it a year later than the *A.-S. Chr.*, i.e. in 783.

³ *Acta SS. loc. cit.*

⁴ *Ibid.*

lation to Chester, and the circumstantial story of the flight thither of the Hanbury nuns with their precious relics when the Danes drove King Burhred out of the neighbouring Repton in 874¹ makes its first known appearance three centuries later in Higden's compilation.² Chester, too, is usually supposed to have been at that date merely the ruins of a Romano-British city.³ Bishop Stubbs, therefore, admitted the great uncertainty as to the circumstances of St. Werburgh's translation to Chester, but he saw "no reason to doubt that her relics were carried there during the Danish troubles." The destruction of the nunnery at Hanbury, which was doubtless the work of the Danes, seems certainly the most natural occasion for the removal of the relics, and the existence of a church of St. Werburgh in Chester before the middle of the tenth century⁴ might be regarded as affording a certain support to this view, though, of course, a dedication in itself is no evidence of a translation. There is also apparent proof, which was unknown to Stubbs, that the relics were at Chester before the end of the tenth century. In an Anglo-Saxon tract on the burial-places of English saints, which dates in its present form from about 1000, the remains of St. Werburgh are said to rest "on Legeceastre thare birig."⁵ It does not necessarily follow that they were removed thither during the Danish ravages, a supposition difficult to reconcile with the silence of the hagiographer followed by Goscelin and Florence. Another possible occasion is that of the acquisition of Hanbury by the church at Chester.⁶

¹ *A.-S. Chr.* s.a.

² *Polychr.* vi. 126, 128, 366, under the year 875.

³ Freeman, *Norm. Conq.* (2nd ed.) iv. 311.

⁴ Page xviii.

⁵ *Die Heiligen Englands* (ed. F. Liebermann, Hannover, 1889), p. 7. The statement is an addition of about the date mentioned to the passage in the original form of the tract: "she was buried in the minster called Heanburh." Dr. Liebermann accepts Higden's story of the translation to Chester on the ground that it is local and not in itself improbable.

⁶ Page x. An English martyrology quoted by the Bollandists stated that the relics were brought to Chester when Earl Hugh replaced the canons by monks (*Acta SS.* 3 Feb. i. 385). But this can only have been a late guess.

II

The absence of any trustworthy record of the foundation of the church of St. Werburgh at Chester is sufficiently attested by the legend with which it was surrounded from an early date. William of Malmesbury already speaks of a (purely imaginary) nunnery there in which St. Werburgh was professed.¹ The monks of Chester knew better than that, but their own story as it appears in Bradshaw's poem is wild enough. Chester's mother church, founded "soon after Lucius and afore kynge Arthure," was on the site of the future monastery and dedicated to St. Peter and St. Paul; it remained a centre of light through the heathen Saxon invasions, and to it in 875 was borne from Hanbury the shrine of St. Werburgh.² Rather more than thirty years later, in the reign of Edward the Elder, his sister Æthelflæd, the "Lady of the Mercians," enlarged this church for secular canons in honour of St. Werburgh and transferred the old dedication to a new parish church in the centre of the city.³ Bradshaw knew the life of St. Werburgh, as preserved in a

¹ *Gesta Pontificum* (R.S.), 308. The editor, Mr. Hamilton, in a note on this passage, reproduces some of the errors of Bishop Tanner's account of the early history of the church (*infra*, p. xvi.). He does not notice, however, that Tanner, while accepting the existence of a nunnery at a pretty early date, throws doubt on its foundation by Werburgh's father, Wulfhere, for his daughter. Tanner accepted the fable of the foundation of a bishopric at Chester by her uncle Æthelred, which was due to a confusion of the early mediaeval names of Leicester (Legraceaster) and Chester (Legaceaster). This error probably gave rise to the story of Æthelred's foundation of the collegiate church of St. John in 689 (*Ann. Cestr.* 10, referring to Giraldus Cambrensis, in whose printed works, however, the story cannot be found). Æthelred is said to have been assisted in the foundation by "Wilfricus episcopus Cestriensis," and an addition to the passage in a manuscript quoted by Randle Holme II. states that this S. Wilfric acquired in the Roman curia the image of the Holy Cross which was kept in the church of St. John at Chester (Harl. MS. 2071, f. 17 (old, 3)). The reference is clearly to Wilfrid, but he did not become Bishop of Leicester (? episcopus Cestriensis) until 691 (*Eng. Hist. Rev.* xxxiv. (1919) 16).

² *Lyfe*, etc., 150-51, 153. Bradshaw does not call the church a college as Leland makes him do (*Collectanea*, ii. 60).

³ *Ibid.* 156-7. The present church of St. Peter is referred to.

passionary possessed by the abbey,¹ too well to countenance the supposed nunnery dating from her day, and he mentions with considerable caution two statements current in his day which were not altogether consistent with the story as he preferred to tell it—one inscribed on a tablet in St. John's church,² which credited Æthelflaed's nephew Edmund with being the true founder of the house of canons, and another which asserted that it was at first dedicated to the Holy Trinity and St. Oswald.³ He also apparently ignored a passage in Higden which has been taken to imply that neither Æthelflaed nor Edmund, but Æthelstan, was its founder. A loose statement, however, that from the time of King Æthelstan to the coming of the Normans there were secular canons of St. Werburgh at Chester⁴ may perhaps not have seemed to him irreconcilable with their institution by Æthelflaed. Some modern writers have interpreted it more strictly. In a gallant effort to reconcile all his authorities Bishop Tanner actually makes Æthelflaeda re-edify a nunnery of St. Peter and St. Paul for secular canons in the reign of Æthelstan,⁵ which did not begin until she had been dead about seven years. Avoiding this anachronism, Mr. Hamilton, who is followed by Sir Henry Howorth, contents himself with asserting that the nunnery of St. Peter and St. Paul was restored for secular canons by Æthelstan and re-dedicated to St. Werburgh.⁶

Of the three rival founders who have been proposed, Æthelflaed, in the absence of any definite record, would be almost

¹ *Lyfe*, etc., 26, 120, 197.

² *Ibid.* 156.

³ Apparently a mistaken inference from the dedication of the parish church afterwards housed in the south transept of the abbey church. See a confused note in *Orm.* i. 304-5, who elsewhere (i. 249) speaks of the earliest dedication as to St. Werburgh and St. Oswald.

⁴ *Polychr.* vi. 128, copied by *Ann. Cestr.* (Gastrell MS.), 12. Higden's "collatis vicissim possessionibus" is hard to construe; perhaps it merely refers to a succession of gifts of land.

⁵ *Not. Mon. s.v.* Chester.

⁶ Will. Malmes. *Gesta Pontificum* (R.S.), 308 n.; Howorth, *op. cit.* iii. 221.

inevitably suggested by the mere fact that Chester was restored from a ruined state in 907,¹ presumably by her and her husband Æthelred, the then rulers of Mercia, as is indeed expressly asserted by Florence of Worcester,² who used a text of the Anglo-Saxon Chronicle which is now lost. It is generally believed by students of Old English history that the city had remained uninhabited for three centuries after Æthelfrith's victory there in 607.³ That it was a "waste chester" in 894, when a Danish force occupied it for three days,⁴ is certain, and this in itself would throw some doubt on the story of the translation of St. Werburgh thither twenty years before that date.⁵ It disposes, of course, of the fable of the survival of a church of St. Peter and St. Paul from Roman times. A church of some kind must have been built when the city was revived, which may have been the church of St. Werburgh served by canons, but of this there is no proof. As far as our evidence goes, in fact, the canons may have been installed at any date in the half-century following the restoration of the city. The attribution of the foundation to Æthelstan or Edmund is probably no more than a false inference from the fact that these are the two predecessors for the expiation of whose souls, along with his own, Edgar professed to have made his gift of 958.⁶

The earliest authentic evidence of the existence of a

¹ *A.-S. Chr.* s.a.

² i. 120.

³ Freeman, *Norm. Conq.* iv. 311 (2nd ed.).

⁴ *A.-S. Chr.* s.a. The old English adjective "weste" had the meaning of "depopulated," and was correctly translated "deserta" by Florence of Worcester (i. 113). It does not necessarily follow that Chester had been uninhabited since 607, but so many Roman fortified towns were abandoned by the English for adjacent open sites—e.g. Verulamium (St. Albans), "Mancunium" (Manchester)—that it is not improbable. The vill of "Redcliff" (D.B. i. 263) round the church of St. John, outside the eastern wall of old Deva, with its early crosses which are said to be not later than the first half of the ninth century, may have been the only English settlement until the restoration of 907.

⁵ *Supra*, p. xiv.

⁶ *Infra*, p. 9. Hence, perhaps, Bradshaw speaks of Edgar "confirmmynge the olde grauntes by hye auctorite" (p. 179).

collegiate church dedicated to St. Werburgh seems to be the document which comes first in the chartulary of the abbey, a grant by Edgar as king of the Mercians in 958 to the "familia" of St. Werburgh of seventeen hides of land (quandam partem agrorum xvii manentium) in Hoseley, Cheveley, Huntington, Upton, Aston, and Barrow.¹ Despite certain difficulties which it presents, a close scrutiny of the charter inspires considerable confidence in its authenticity. This does not preclude the possibility of the original grant having been tampered with in the form in which it has come down to us. At first sight the inclusion of Upton in the grant might seem to be a later interpolation. Not only is its name given in a form long subsequent to the tenth century, but the vill was not among the possessions of the house retained or reclaimed in 1066 or 1086, and was first bestowed on the Benedictine monastery by Earl Ranulf I.² Nor can Bradshaw's mention of it as a prebend of one of the canons before the Norman Conquest³ be appealed to as confirmation, since it may very well have had no better basis than the charter itself. The inclusion of Barrow, on the other hand, is less suspicious, because the later monastery never had the manor there. In this case, the estate was apparently lost between 958 and 1066, and this may have happened in that of Upton too, a suggestion which is supported by a comparison of the hidage of the six manors in Domesday Book with that assigned to them in the charter. If Aston was the Midestune of 1086, the later Middleton Grange, the group was assessed at sixteen hides in all at the date of Domesday, which is sufficiently close to the seventeen said to have been granted by Edgar.

As the charter is one of grant, not of confirmation, the canons very likely already had other estates which were the subject of earlier gifts.

St. Werburgh's is reported by Florence of Worcester to have

¹ Birch, *Cart. Sax.* iii. 245, No. 1041; *infra*, p. 8.

² No. 6.

³ *Lyfe*, etc., 171.

been one of the religious houses which were enriched with valuable ornaments by the famous Leofric, Earl of Mercia.¹ Later writers expand this into a statement that he repaired the minster and bestowed privileges upon it. The Chester annalist places this beneficence under 1057,² the year of the earl's death, merely because he found it in the brief character of Leofric which Florence inserts after recording his decease.

Though so little is known of the history of the church, Domesday Book fortunately preserves a complete record of its estates at the date of the death of Edward the Confessor. Shortly before, it would seem, a third part of Burwardsley (one hide) had been high-handedly alienated to a certain Rafenkel by the reeves of Edwin and Morkere.³ The loss of "the fifth acre" in Stanney, its right to which was supported by the County (Court) in 1086,⁴ is undated, unless we take the "fuit in ecclesia sancte Wareburg" of Domesday to refer, as it usually does, to 1066. Certainly subsequent to the Conquest was the church's deprivation of its two Staffordshire manors at Fauld (Hanbury), which has already been mentioned.⁵ With this exception, or exceptions, the canons continued to hold in 1086 everything that they had possessed twenty years before. In Chester the church had thirteen houses quit of all custom, one occupied by the warden (*custos*) and the others by the canons, of whom there would therefore seem to have been twelve.⁶ Its country manors numbered twenty-one, the assessment to taxation and annual value of which are inserted in the following table :

	Hides.	Value, T.R.E.			Value, T.R.W.		
		£	s.	d.	£	s.	d.
Saighton (Saltone)	2	2	0	0	2	0	0
Cheveley (Cavelea)	3	1	10	0	1	0	0
Huntington (Hunditone)	3	Waste			16	0	
Boughton (Bocstone)	3	1	0	0	16	0	
Carry forward	11	4	10	0	4	12	0

¹ Flor. Wig. i. 216.² *Ann. Cestr.* (Gastrell MS.) 14.³ D.B. i. 264b.⁴ *Ibid.* i. 264.⁵ Page x.⁶ D.B. i. 263.

CHARTULARY OF CHESTER ABBEY

	Hides.	Value, T.R.E.			Value, T.R.W.		
		£	s.	d.	£	s.	d.
Brought forward . . .	11	4	10	0	4	12	0
Iddinshall (Etingehalle) . . .	1		8	0		5	0
Wervin ¹ (Wivevrene) . . .	1 $\frac{2}{3}$	1	10	0	1	0	0
Croughton (Crostone) . . .	1		10	0		10	0
Lea by Backford (? Wisdelea)	1		10	0		10	0
Sutton ² (Sudtone) . . .	1	2	0	0	1	10	0
Saughall ³ (Salhare) . . .	1		16	0		16	0
Shotwick (Sotowiche) . . .	1		16	0		13	3
Neston ⁴ (Nestone) . . .	$\frac{2}{3}$		17	4		17	4
Raby ⁵ (Rabie) . . .	$\frac{1}{2}$		6	8		6	8
Bridge Trafford (Trosford) . . .	1		5	0		8	0
Ince (Inise) . . .	3	1	10	0		15	0
Middleton Grange (Midestone)	1		16	0		10	0
Clifton (Clistune) . . .	1		Waste			10	0
Hoseley (Odeslei) . . .	$\frac{1}{2}$		Waste			3	0
Pulford (Pulford) . . .	$\frac{1}{3}$		4	0		5	0
Wepre ⁶ (Wepre) . . .	$\frac{2}{3}$	None stated			None stated		
Lache (Leche) . . .	$\frac{1}{4}$		Waste			Waste	
	<u>27$\frac{3}{4}$</u>	<u>£14</u>	<u>19</u>	<u>0</u>	<u>£13</u>	<u>11</u>	<u>3</u>

Thus, despite the fact that three manors which had been "waste" in 1066 were again in cultivation twenty years later, there had been a fall of 28s. in the total annual value. Nor did the canons take the whole even of this reduced income. Their share of Neston and Raby, together with Clifton and Midestone, had been subinfeudated to William Fitz-Nigel, the earl's constable, who held the rest of Neston and Raby as part of his own fee. They retained a superiority, rights of escheat and so forth, but the ordinary profits were lost to them.⁷ Their income was thereby further reduced to a little over £11. Yet even so William of Malmesbury doubtless exaggerated when he

¹ Except one-sixth held by William Malbank.

² In Wirral.

³ Near Chester. William Malbank held the remaining six hides.

⁴ One-third of the vill.

⁵ One-half of the vill.

⁶ William Malbank held a third of the vill of the earl.

⁷ This does not seem true of all, for in the case of Clifton, in the twelfth century at all events, the constables paid 8s. a year to the abbey (No. 321).

wrote of Earl Hugh ejecting "pauculos clericos qui ibidem foedo et pauperi victu vitam transigebant."¹ The canons of St. Werburgh were better off than most communities of their kind, and it must be remembered that the buying power of money was much greater in the eleventh century. The "matricularius" and seven canons of the cathedral church of St. John had land of no more than £1 annual value, even after Hugh de Mara had, some time after the date of Domesday Book, relinquished his third of "Redcliff" to them.² More instructive for comparison are the Shropshire collegiate churches. The richest in 1086 was St. Alkmund's at Shrewsbury, which, besides rents in the town, had nine manors with a total annual value of about £9:10s., but three of them worth £6:10s. were held of it by one priest and a fourth worth 5s. by a layman.³

Under Edward the Confessor eight canons of the church of St. Gregory at Morville had held the same number of hides which in 1086 were worth £6:8:6 a year.⁴ The case of St. Mary's, Bromfield, is interesting. It had the same number of canons as St. Werburgh's, and its five manors, which were assessed at about thirty hides, had probably once had an annual value of £10 or so, but in 1086 subinfeudations had reduced this to £4:16s.⁵ It is noteworthy that in the Confessor's time one of the twelve canons held no less than half of the great manor of Bromfield, assessed at twenty hides.

Even with some of the great lay fees of the earldom the canons' possessions did not compare badly. The Cheshire fee of the constable, for instance, was but slightly larger, comprising twenty-nine manors rated at about thirty-five hides, and its recorded annual value in 1086 was no more than £16.⁶

The case of Bromfield College quoted above shows that the prebends assigned to canons of the same church might be

¹ Will. Malmes. *Gesta Regum* (R.S.), 267.

² D.B. i. 263, 266b.

⁴ *Ibid.*

⁵ *Ibid.* i. 252b.

³ D.B. i. 253.

⁶ *Ibid.* i. 266.

very unequal in size and value, and the only prebends of St. Werburgh which are separately mentioned differed considerably in value. During the lifetime of the first abbot, Richard of Bec (*d.* 1117), an exchange was effected with William Fitz-Nigel of the abbey's share of Neston, which is described as an ancient prebend, for William's moiety of Raby. When William's son relinquished in favour of the abbey his under-tenancy of its own original moiety of Raby, this too was noted to have been a prebend anciently given to St. Werburgh.¹ Now the abbey's portion of Neston rendered 17s. 4*d.* both in 1066 and 1086, while the render of its moiety of Raby had been no more than 6s. 8*d.* It would be useless to speculate as to the allocation of the remaining manors to the other ten canons, especially as some of them must have been reserved for the upkeep of the fabric of the church and for the support of the warden. Equally vain would be any attempt to determine whether the legend that St. Werburgh healed the broken leg of Canon Ulminus² has preserved in a corrupt form the only name of a member of the college (? Ulfwine) which has come down to us, or to detect any germ of historic truth that may underlie Bradshaw's story of the saving of Chester by the saint when attacked by

Harolde kyng of danes, the kyng of gotes and galwedý,
Maucolyn of Scotlande and all theyr company.³

III

Though by no means poor as similar bodies went, the old college of St. Werburgh, both in size and conception, fell far short of the great monasteries which the Normans founded or revived. Such groups of secular clergy, each of whom lived in his own house, made no appeal to the invaders, whose religious ideal involved a common seclusion from the world without. Probably the canons were not always untainted by the world

¹ No. 351.

² Bradshaw, *Lyfe*, etc. 173.

³ *Ibid.* 162.

in which they lived, and even the better men among them may have so far complied with its usages as did Canon Ulminus in the legend, of whom it is said :

And for a pastyme this was his pleasure
To hunt and to hauke to confort nature.¹

Hugh of Avranches, the first Norman earl of Chester, aspired, like other great feudal lords, to have an important monastic establishment in the centre of his power. The example of his neighbour and ally Earl Roger (of Montgomery), who had founded an abbey at Shrewsbury and filled it with monks from Sées as early as 1083, may have had some influence upon him, but Hugh, though very far from a saint in his life, was an old friend of the saintly Anselm, abbot of Bec, and it was to Anselm that he turned for assistance in carrying out his plan. The date of the conversion of the college of St. Werburgh into a Benedictine monastery has been variously stated. The traditional charter of foundation and the chronicle of the abbey place the event in 1093,² and John of Tynemouth puts it as late as 1095.³ We have it, however, on the unimpeachable authority of Eadmer, Anselm's later friend and companion, that Anselm's visit to Chester, and the initial stages of the foundation at all events, took place in the autumn of 1092.⁴ Twice he had declined Hugh's urgent invitation, though coupled on the second occasion with news of his serious illness, because he feared to seem to put himself forward as a candidate for the archbishopric of Canterbury which the king had kept vacant since Lanfranc's death in 1089. He only yielded at last to a third and more urgent summons, warning him that if he did not come he would regret it eternally in the next world. Pressure from his own

¹ *Lyfe*, etc., 173.

² *Infra*, p. 15; *Ann. Cestr.* 16.

³ Quoted by Dugd. *Mon.* ii. 384; but John wrote in the fourteenth century and his date is wild.

⁴ *Vita Anselmi* (R.S.), 359; *Hist. Novorum* (R.S.), 27.

monks, whose interests in England were suffering from Rufus' oppression, co-operated in his decision. Crossing the Channel he reached Canterbury on September 7, and next day set off for Chester. Here he remained for some time (*per plures dies*), organizing the new monastery with Earl Hugh, who had recovered from his sickness; but the historian's phrase can hardly cover a stay of months, though our knowledge of his movements during the rest of the year is confined to the practical certainty that he was at Gloucester at Christmas.¹

It was not Eadmer's business, unluckily for us, to relate what took place at Chester, and only incidental light is obtained from other sources. Presumably, however, it was during this visit, beginning in September 1092, that Anselm witnessed the real foundation charter of the abbey,² which is imbedded in the professed confirmation known as *Sanctorum prisca*; was present when the Countess Ermentrude, by her husband's orders, placed their joint gift of Weston-upon-Trent on the altar of St. Werburgh;³ and attested the founder's arrangement with the canons for the gradual passage of their prebends to the monks as each died.⁴

The provision for the extinction of the prebends, which rests on Anselm's own testimony, effectually disposes of the statement in late authorities that the canons became monks of the new foundation.⁵ The original monks, like their first abbot, Richard, were no doubt brought from Bec. It is not necessary to suppose that they all came over at once, but it is probable that Richard, who according to a late authority was Anselm's chaplain, and a few others accompanied him in September 1092, for the various

¹ Dean Stephens' statement that he "spent some months in settling the new constitution of St. Werburgh's" (*D.N.B.* ii. 14), evidently referring to the five months' detention in England (before his appointment to Canterbury) of which Eadmer speaks (*Hist. Nov.* 29), was perhaps not meant to imply so long a stay in Chester itself, but in any case overlooks the "multiplicity of other business" mentioned by the historian.

² Page 17.

³ Page 55.

⁴ Page 38.

⁵ Dugd. *Mon.* ii. 384.

acts of foundation are dated by Anselm "quando Hugo Cestrensis comes posuit monachos in ecclesia sancte Werburge."¹

The endowments of the new monastery consisted chiefly of land and tithes. On a very rough estimate, Hugh and his men before his death nine years later gave about as much new land to the house as it received from the extinguished college, but its tithes were perhaps a larger source of additional income.² It is noticeable that Hugh himself gave no land in Cheshire, his gifts in that kind being in Derbyshire and Lincolnshire. In his last illness the founder himself became a monk of St. Werburgh, three days before his death on July 27, 1101,³ and was buried in its churchyard, whence his remains were removed to the chapter-house by his nephew, Earl Ranulf I.⁴

Abbot Richard survived Hugh sixteen years, but nothing is recorded of him except that he effected the exchange with William Fitz-Nigel, the constable, which made the abbey sole tenant of Raby.⁵

The second Earl of Chester was afterwards believed to have been no such good friend of the house as his father had been. The fewness and unimportance of his gifts⁶ cannot indeed be pressed in support of this belief, for he only came of age five years before his tragic death. It was, however, a persistent tradition in the abbey that towards the end of his life his mind was poisoned against it by his young wife Mathilda, sister of Stephen of Blois, who persuaded him to demand the manor of

¹ Page 38. In a letter of uncertain date expressing his joy at hearing of the progress of the house, and impressing upon its brethren the importance of observance of the rule *in minimis*, Anselm claims a special interest in them "quoniam per me Deus congregationis vestre est dignatus instituere principium, abbatem, Domnum scilicet Ricardum" (*Epp.* iii. 49). His only other surviving letters to St. Werburgh's gently rebuke one monk, William, for exaggerating his (Anselm's) virtues in his poems, and another, Bernard, for exalting private and voluntary castigation (*vapulatio*) over that inflicted in chapter by order of the abbot (*Epp.* iii. 34, 50).

² Page 36.

³ Ord. Vit. *Hist. Eccl.* iv. 111.

⁴ Page 47.

⁵ No. 351.

⁶ Page 40.

Saughton from the abbot. On his refusal Richard is said to have

Entended to alter and chaunge the foundacion
Of the sayd abbay to a nother religion,
Confirmed the same, sweryng most depely,
At his whom coming to Englande from Normandy.¹

When he went down with his wife in the *White Ship* on November 25, 1120, their fate, it is said, was hailed by the monks as a judgement of heaven. The story comes from too late and dubious a source to command confidence in its details, but it can scarcely have been wholly baseless. Some colour is perhaps lent to it by the fact that the abbacy was left vacant during the last three years of the young earl's life, though this no doubt might be susceptible of other explanations.² However this may be, the grant of the earldom to his cousin, Ranulf Meschin, was followed very shortly afterwards by the appointment at last (1121) of a second abbot, William by name.³ If this was evidence of the new earl's good-will, he gave more substantial proof of it. The founder had abstained from alienating any part of the demesne of the earldom to St. Werburgh's, but Ranulf I. bestowed upon it the important manor of Upton, the nearness of which to Chester increased the value of the gift. He thus celebrated his removal of the founder's remains into the chapter-house of the convent.

Ranulf's tenure of the earldom was, however, short (c. 1121-29) and figures much less prominently in the annals of the abbey than the rule of his masterful and unscrupulous son and namesake (1129-53), the most typical figure of the anarchy of Stephen's reign. Ranulf II. (de Gernons) was a great benefactor of religious

¹ Bradshaw, *Lyfe*, etc., 191.

² Ormerod's suggestion (i. 250) that the prior Robert whose death is entered under 1120 in the *Annals* had been in charge of the monastery is probable, but does not explain why no abbot was appointed.

³ An unexplained incident of his abbacy is his ousting of the canons of Calke (four miles S.W. of his manor of Weston-upon-Trent) from their church there. A church council at London about Easter 1132 (?) received his submission and ordered restitution (Jeayes, *Cat. of Derbyshire Charters*, 528).

houses,¹ the founder, among others, of Basingwerk abbey and the nunnery of St. Mary in Chester; but the monks of St. Werburgh seem to have found him as unstable a friend as his political allies did. He gave them a monopoly of trade in Chester during the annual three-days fair on the feast of St. Werburgh in summer and the day before and after (June 20-22) which the founder had granted (assuring them the whole profits and jurisdiction of the fair and his peace to all coming to it),² the church of St. Mary of the Castle and several houses,³ a tenth of his revenue from the city,⁴ and the tithes of all his mills in Cheshire and of Leek Mill in Staffordshire.⁵ He solemnly confirmed the gifts of his predecessors and their men,⁶ and licensed abbot Ralph and his successors to hunt stags and all other wild animals throughout Cheshire.⁷ But in his last days at Gresley Castle in Derbyshire, where apparently he died on December 16, 1153, he confessed that he had done much evil to the possessions of St. Werburgh, and penitently granted to the abbey as compensation the valuable manors of Eastham and Bromborough.⁸ The nature of the injuries inflicted is not stated, but we may be on the track of one of them in the charter of Robert de Pierrepont, in which, with the counsel and consent of his lord Ranulf, he gave the town of Holywell with its church to Basingwerk abbey,⁹ for Ranulf Bourel had given the church with the tithes to St. Werburgh's in Earl Richard's time.¹⁰ It is possible that some other early possessions of which there is no later trace may have been lost in a similar way. Eastham and Bromborough were rich manors. In 1535 they yielded together an annual revenue of nearly £60,¹¹ so that the damage which they were intended to compensate must have been considerable.

¹ Dugd. *Baronage*, i. 40.

² Nos. 7, 10, 11.

³ Page 59.

⁴ No. 12.

⁵ No. 20.

⁶ Nos. 8 and 18.

⁷ No. 37.

⁸ No. 349.

⁹ *Cal. Chart. R.* ii. 290.

¹⁰ Page 41. Earl Hugh II. regranted the church to St. Werburgh's (No. 354).

¹¹ Dugd. *Mon.* ii. 400.

The writ, of uncertain date, in which Earl Ranulf orders his officials to enforce payment of the revenues allocated to the fabric of the abbey to those in charge of the work¹ gives us perhaps a glimpse of the construction of the Norman buildings of which interesting fragments remain. Unfortunately the charters throw little light on this subject. The founder is indeed recorded to have made the buildings "fit for the habitation of the monks";² and Ranulf I.'s removal of Hugh's remains to the chapter-house³ may imply its recent completion.

Some retrospective idea of the revenue and expenditure of the abbey may be gleaned from a half-year's account during the vacancy on the death of abbot Robert II. in 1184. The farms of the manors amounted to £73 : 3 : 10. £21 : 12 : 6 was spent on the food of the monks and other domestic necessities, £6 : 9s. on their clothing, and £5 : 10 : 4 on the wages and food of the servants in the abbey manors.⁴

As to the number of the monks, we only know that it was raised to forty about the middle of the thirteenth century (No. 415).

IV

The original charters granted to the abbey during the first two centuries of its existence have, with few exceptions, perished or disappeared. It may be thought that the conversion of the monastery into a cathedral at the general dissolution of religious houses should have secured the preservation of its muniments. The dean and chapter, however, do not seem to have been very vigilant custodians of records in which they had only an antiquarian interest, and the ravages of the Civil War completed what official carelessness had begun. Already before 1619 Roger Dodsworth, the pioneer of the *Monasticon Anglicanum*, had found what he describes as the original of the (so-called) foundation

¹ No. 14. [More probably a writ of Ranulf III.]

² Page 16.

³ Page 47.

⁴ *Pipe R.* 31 Hen. II. 142.

charter, known as *Sanctorum prisca*, in the possession of Sir William Brereton of Brereton¹ and the "Great Charter" of Ranulf II. in that of Richard Grosvenor of Eaton Hall.² The latter, though for long lost sight of, is fortunately still in the care of Mr. Grosvenor's descendant, the Duke of Westminster; but the extinction of the Breretons in the male line in 1722, and of its representatives by marriage, the Bracebridges of Atherstone, in 1873 makes it impossible to trace the original of Dodsworth's copy of *Sanctorum prisca*.

As early as 1580 a number of charters of more local interest were in the hands of Richard Birkenhead,³ who was doubtless the recorder of Chester, cousin of Henry Birkenhead of Huxley and Backford, prothonotary and clerk of the Crown for Cheshire and Flint, an office in which he succeeded his father. Other local deeds seem to have passed into the possession of the Venables of Kinderton and the Mainwarings of Over Peover and of Kermincham.⁴

About 1644 Sir Peter Leycester transcribed *Sanctorum prisca* from one of the *inspeximus* of Guncelin de Badlesmere, then kept "in a certain room" in the cathedral; and in that year, from the same source or from originals, the charters of Earls Richard and Ranulf I., and Hugh II.'s charter confirming the gift of Greasby to the abbey.⁵ He notes that the evidences of St. Werburgh's "were removed thence in the late war, 1648."⁶

In July 1649 the second Randle Holme, heraldic painter and genealogist, took copies of twelve original deeds "out of the

¹ Dodsw. MS. (Bodl. Lib.) xxxi. f. 6. This "original" may itself only have been a copy.

² *Ibid.* f. 5d. It was for a time, with other charters of the abbey, in the custody of John Edwards of Cheveley (*d.* 1637). See p. 62.

³ Harl. MS. 2060, f. 47 (old, 86). Henry Birkenhead, or his son, possessed the chartulary which is now Harl. MS. 1965. See p. xxxi. n.

⁴ Some of these, with other abbey deeds, formed part of the collection of Cheshire charters made by the late R. H. Wood, secretary of the Chetham Society, and now in the possession of Mr. S. R. Wood, Burnham, Bucks.

⁵ No. 22.

⁶ Orm. i. 17.

Abby of the citty of Chestre then in the hands of Capt. Jo. Whitworth." ¹ Chester had surrendered to the Parliamentary forces on February 3, 1646, which happened to be St. Werburgh's day, and Whitworth was doubtless the John Whitworth who stood at the head of the Parliamentary Committee of Chester in the following July.² Holme also made transcripts of a leger-book of the abbey, now Harle MS. 2062,³ and the same as that which his father describes at an earlier date as in the custody of the dean and chapter or of Thomas Case the chapter-clerk;⁴ and of the *Liber Ruber*, which has disappeared. Both were much mutilated. Of the Red Book he says, "This book is anciently written in Parchment and containeth copies of suits out of court rolls with some copies of deeds and other good notes concerning the monastery of S. Werburgess, but it is much defaced, slubbered and worn and many leaves torn out which makes it very imperfect. But what possibly I could gather I have as near as I can transcribed for future posterity, Nov. 1649."⁵ He was able to supply one gap of a page with a copy made by William Vernon before it was torn out.

Until the middle of the seventeenth century then some of the abbey records were still in the custody of the dean and chapter, but the dispersion was complete, and not a single document is now preserved in the muniment room of the cathedral.

Holme had access to other documents which had passed into private hands, and had himself somehow become possessed of

¹ Harl. MS. 2071, f. 18 (old, 5).

² *Chesh. Civil War Tracts* (Cheth. Soc. N.S. 65), 150.

³ Harl. MS. 2071, f. 53 (old, 39).

⁴ Harl. MS. 2060, f. 38 (old, 68). For Case, see p. 62.

⁵ Harl. MS. 2071, f. 80 (old, 73). See also Harl. MS. 2148. The Red Book was mainly a record of litigation. A similar record containing cases between 1296 and 1318 (with a few earlier documents) was formerly in the possession of the Astons of Aston Hall near Runcorn and is now Addit. Ch. 51,525 in the British Museum. It is described with extracts by Miss M'Connel in *Trans. Hist. Soc.* vol. 55, pp. 42 sqq. The later survivors of the abbey rentals and court rolls will be dealt with in the second volume of the chartulary.

the great *inspeximus* of Guncelin de Badlesmere made in 1280, of which he took a copy,¹ and the less comprehensive one drawn up by Bishop Burnell in 1283.² Neither of these came with the rest of the Holme MSS. to the British Museum. The place of keeping of the latter, if still extant, is unknown, but the former mysteriously strayed into the library of the dean and canons of St. George's Chapel, Windsor.³

Apart from this *inspeximus*, the Eaton charter, a few original deeds in private hands, and copies of originals, now lost, made by the seventeenth century antiquaries, our knowledge of the many hundreds of charters granted to the monastery in the first two centuries of its existence is derived from the record of them made in the abbey at the close of that period. Of this there are two copies, both apparently of fourteenth century date, which formed part of the great collection of Holme manuscripts in 260 volumes, purchased by Robert Harley, Earl of Oxford, after the death of the fourth Randle Holme in 1707, and sold to the British Museum in 1753 with the rest of the Harley MSS., in which they are numbered 1965 and 2062. The latter, as already noted, was copied by the first Randle Holme (*d.* 1655) while it was still in the keeping of the dean and chapter, and in part afterwards by his son (*d.* 1659).⁴ Many pages had been torn out, but as its present number of folios corresponds with that given by the second Holme, its mutilation has not since been continued. The date of its acquisition by the Holme family is unrecorded, but a note in Harley MS. 2060 records that the other copy, now Harley MS. 1965, was in the custody of Randle Holme in 1649.⁵ Harley 2062 is the larger and finer manuscript. It is a small folio on parchment with the text in single column within a marginal frame of parallel lines,

¹ Harl. MS. 2071, ff. 43*d*–46*d*.

² *Ibid.* f. 45*d*. Holme collated it with Badlesmere's.

³ MS. xi. E 5.

⁴ Harl. MS. 2071, f. 38.

⁵ Harl. MS. 2060, f. 38 (old, 67). It had previously belonged to Henry Birkenhead, as he has recorded on f. 11*d*.

and the rubrics and some capitals in red. It begins with *Sanctorum prisca*, has a big gap by mutilation between the first line of Ranulf I.'s charter of confirmation and the charter of Pope Clement III., and ends abruptly at the bottom of f. 28*b*, in the middle of an agreement, dated 1309, with Henry Lacy, earl of Lincoln, as to the ferry between Weston and Donington-on-Trent. The present f. 29, on the upper half of the *recto* of which there is entered in quite a different hand a final concord of 1293 between the abbey and William Hesketh and his wife touching land in Rufford, co. Lancaster, may have been a fly-leaf or cover. Folio 30 is an inserted copy of an agreement of about the same date between the abbot and Thomas de Wetenhale (No. 344*a*). It is fastened in by its inner edge. Both deeds were in the manuscript when copied by Holme, but he (rightly) gives the number of the leaves of the book itself as 28.

Down to near the end of f. 16 the manuscript is written in a large and noble book-hand, but this was perhaps found to consume too much space, and was suddenly changed in the middle of a rubric to a smaller hand, somewhat similar to that of Harley 1965.

Harl. 1965 is a small folio with a page about two inches shorter each way than that of Harl. 2062. The text is arranged in double columns and, excluding additions, in one hand throughout, a small, rather commonplace, fourteenth-century book-hand not very much later than 1310. The ink has faded brown. Its older foliation began with *Sanctorum prisca*, and extended to 43 folios. The modern reckoning has raised the number to 46 by the inclusion of a fly-leaf and two index folios (much torn) at the beginning. The index ends on the *recto* of f. 3, and the greater part of the first column of the *verso* is occupied by the charter of King Edgar to the old church of St. Werburgh in a different hand and much darker ink. Below this comes the fragment of Edward's charter to Chester in a different hand again, which was

evidently meant to have been continued in the second column, ultimately left blank.

On palaeographical grounds only a case might perhaps be made for the priority of Harl. 2062 to 1965. But where there is no large margin of date such indications may be misleading, and a comparison of the closing entries of the two manuscripts reveals two facts which seem sufficient to prove that the reverse was the case, and that 2062 was copied from 1965. (1) The last 3 entries in 1965 in the original hand have the red ink rubric omitted in the text, but inserted in the margin in black ink, while in 2062 the textual rubrication is continued to the end; (2) the Trent ferry document is copied (and rubricated) in the latter in the same hand as the latter half of the manuscript, but in 1965 it is an addition in a different and later hand. If the last original folio of 2062 containing the end of the Donington document had been preserved, it would not have been surprising to find it copying in the same hand the three entries which follow that document on f. 45 of 1965: (1) a record of the result of a suit between Abbot Simon and Hugh Raby, lord of Raby; (2) a copy of the same preamble of a charter of Edward I. to Chester as is entered on f. 3*d*, but with some variations in wording; (3) a final concord (1284) as to the repair of the bridge of Fulford. But as these additions to 1965 are not in the same hand as that relating to the Trent ferry, it is not impossible that they were made after 2062 was copied, and this may also be the explanation of the absence at the beginning of the latter of the index and the charter of Edgar, etc., which occupy the second and third folios of 1965.

That the date of compilation of Harl. 1965 was not earlier than 1310 is shown by a marginal note to No. 242, and the dated final concord No. 344.¹

¹ See also the note on No. 516. The scribe's occasional use of Arabic numbers deserves notice.

Harl. MS. 1965, being then the original form of this abbey record, has been taken as the basis of our edition. It has no title, and that here given to it may be, and has indeed been, criticised as inapplicable to a volume which not merely omits witnesses almost without exception, but rarely gives the full text of a charter or other document, and is usually content to supply an abstract more or less full of the contents of the abbey deeds. It must be admitted that it is not strictly a chartulary, and there is indeed in existence a fragment consisting of two leaves of the true chartulary of the monastery.¹ It was evidently a fine manuscript, the loss of which is most regrettable. The Randle Holmes described the present Harl. MSS. 1965 and 2062 as Leger Books, but this is rather a general appellation, and perhaps the most accurate title that could be given to them would be that of Register of St. Werburgh, which is written on a slip of parchment, possibly part of the original cover, pasted in at the beginning of Harl. 2062. As, however, the Cheshire historians have been accustomed to call the record a chartulary, and as an attempt is here made to justify that title by the insertion *in extenso* of surviving charters, the retention of a description that is not entirely accurate will, it is hoped, be pardoned.

Though close upon nine hundred charters and other deeds are abstracted, at greater or less length, in Harley 1965, the list is not exhaustive for the period covered, and some extant documents which were omitted have been inserted at appropriate points. In these cases, as also where the full text of documents has been substituted for the summary in the chartulary, care has been taken to indicate the source, or sources, from which the text given is drawn. Of these sources the most important are the Eaton charter, the recitals of which were omitted in the

¹ Harl. MS. 2071, ff. 38-39d (old, 24). See Dugd. *Mon.* ii. 382, *n. b.* It comprises ten charters entered in full with witnesses. They will be found substituted for the chartulary abstracts in Nos. 530, 79, 81, 80, 65, 70, 104, 114, 541, 542.

chartulary, the *inspeximus* of 1280, now at Windsor, and two of the Randle Holme MSS. in the British Museum, numbered Harley 2071 and 2074. Harley 2071 contains *inter alia* copies of original charters of Ranulf II. and others since lost, and Harley 2074 is rich in transcripts of grants by local benefactors, especially at Croxton, Goostrey, Lees, and Chelford. The collections of William Vernon (of Shakerley, *d.* 1666) at Somerford Park, Congleton, and of Sir P. Leycester at Tabley House, Knutsford, have furnished others.

V

Very complex and difficult problems are raised by the charters of confirmation of gifts to the abbey which are ascribed to the first four earls of Chester. Unfortunately, there is no comprehensive study of the monastic charters of the Norman period available for our guidance, and in the case of the founder and his son and nephew scarcely any of their other charters survive for comparison. Reserving detailed criticism for the notes appended to the charters, the general features of the group may conveniently be dealt with here.

With the partial exception of Earl Richard's, these four charters are all more or less irregular in form. Such irregularity is not indeed uncommon in genuine grants of the Norman age, especially in those modelled upon the old diploma which was giving way to the simpler and more practical writ-charter, but in the first and the last of these Cheshire documents it passes ordinary limits and in all may become significant, if other suspicious features present themselves.

The first three charters are essentially identical in structure, the fourth, the so-called Great Charter of Ranulf II., is of similar type but presents some marked divergencies. For brevity's sake we will designate them by the letters A, B, C, D. It will be noticed that, apart from preambles, they each have three sections.

In A, B, and C these are: (1) A summary of the gift or gifts made by the earl who grants the confirmation, followed (in A and B) by a list of witnesses; (2) abstracts of grants by the earl's barons, with, in most cases, part of the attestation clause; (3) a confirmation by the earl of (1) and (2) and (in B and C) of the grants of preceding earls and their barons, with special mention of the liberties conceded to the abbey and particularly the jurisdiction of its court. This confirmation is attested by a list of witnesses or signatories, or (in C) both. In D, however, the three sections are: (1) A recital of the gifts of Ranulf II.'s predecessors and their barons, which differs in some important respects from that contained in A, B, and C, and does not give their confirmatory sections, or (except in the case of A) their preambles, followed by the earl's confirmation of them, his own gifts, and a list of witnesses; (2) abstracts of the grants of his own barons, with witnesses in two out of three cases; (3) a notification that he confirms and corroborates by his authority and seal all the gifts of his ancestors and (their) barons, knights, and burgesses to the monastery, and a general injunction to respect its liberties and customs. This section, unlike the corresponding one in A, B, and C, is without witnesses, and by limiting its definition of "whatever is contained in this charter" to the gifts of previous earls and their men, leaves unconfirmed the grants of Ranulf's barons and even his own gifts.

Thus while A, B, and C are detailed confirmations of the donations made during the grantor's tenure of the earldom with (in B and C) a brief general confirmation of those made before his time, D is primarily a confirmation of grants received under previous earls which are recited at length. The gifts of the grantor and his men are appended, but the main purpose of the charter was to secure a full detailed confirmation of the possessions acquired by the abbey prior to Ranulf's accession to the earldom.

In the twelfth century charters of confirmation of this latter type are fairly common, though they are much more regular in form and usually include the gifts of the grantor in the express words of confirmation. A good example is the charter of Robert II. Earl Ferrers granted to Tutbury priory between 1150 and 1159.¹ Somewhat later are the charters of Roger and Peter (II.) de Valognes to Binham priory,² and that of Conan, earl of Richmond, to St. Mary's Abbey, York.³ On the other hand, it is hard to find an authentic parallel for a founder's charter confirming the grants of himself and his men at a date subsequent to the original foundation,⁴ which must be the character of *Sanctorum prisca* (A) if it is to be regarded as genuine at all, though there is a Norman case in the rather irregular "pancarte" of Néel the *vicomte* to the abbey of St. Sauveur-le-Vicomte.⁵ Of the type of charter represented by B and C, in which a successor of the founder confirms in detail the gifts of his own time, and in general terms those of his predecessors, we have not yet come across another instance.

It may be a pure accident that the only one of these Chester charters of which the original is extant should also be the only one which belongs to a well-recognized type (despite some abnormal features), but the fact deserves to be noted.

Some further light upon this difficult series may perhaps be gained by comparing it with a contemporary series of somewhat similar character, with which, at one point at least, it had an intimate connection. The early charters of the neighbouring abbey of Shrewsbury have got a bad name, and not wholly without reason. They include (a) a charter of Roger of Mont-

¹ Dugd. *Mon.* iii. 392, No. II. (without witnesses).

² *Ibid.* pp. 346-7, Nos. III.-IV.

³ *Ibid.* p. 550.

⁴ The somewhat similar charter of Roger of Montgomery to Shrewsbury Abbey (*Mon.* iii. 519) is of doubtful authenticity. See below, p. xxxix.

⁵ Delisle, *Hist. de Saint-Sauveur-le-Vicomte*, 50. Witnesses are given to some of the grants recited, but not to the confirmation.

gomery, earl of Shrewsbury, the date of which (if genuine) falls between 1087 and 1094, in which he confirms his gifts and those of his barons. Like Earl Hugh of Chester's charter (A), it describes the circumstances of the foundation, but it is a much shorter and less solemn document, without witnesses to the baronial grants or *signa* to the confirmation.¹ (b) A grant of tithes of demesne by Hugh, second earl of Shrewsbury (1094-98), and some of his barons.² (c) A charter of confirmation of the gifts of Earl Roger and his wife and barons by William I. or II., with a preamble very similar to and in part verbally identical with that of the Chester *Sanctorum prisca*, but shorter. The royal confirmation is expressed in a single line at the end without witnesses.³ (d) A long charter of Henry I. confirming all gifts down to the date 1121-22, which may be inferred from the witnesses.⁴ This has the *Sanctorum prisca* preamble of A very nearly word for word; it narrates the foundation in much the same words *mutatis mutandis* and has other striking likenesses to the charter of Earl Hugh of Chester, including the mention of a selection of the witnesses to the baronial grants. (e) A document which, after referring to the Norman Conquest of England and the foundation of the abbey, summarises at great length the grants of earls and barons to the house down to the first year of Stephen, and ends with a record of an oral confirmation by that king followed by a list of witnesses which, as Dr. Round has shown, belongs to the Easter Court of 1136.⁵

The first three charters of this Shrewsbury series are said not

¹ Dugd. *Mon.* iii. 519-20, No. III.

² *Ibid.* No. V.

³ *Ibid.* p. 521, No. X. Davis ascribes it both to William I. and to William II. (*Reg. Regum Anglo-Normannorum*, 249, 356), condemning it as spurious in the former case, but making no comment in the latter.

⁴ *Chartul. of Shrewsbury Abbey*, No. 35. The preamble and testing clause are printed by Dr. Farrer (*Lancashire Pipe Rolls*, 271).

⁵ Dugd. *Mon.* iii. 517-19; Round, *Geoff. de Mandeville*, 262; *D.N.B.* xix. 103 (but Fitzalan was witness not to the confirmation but to one of the grants confirmed).

to be genuine in the form in which they have come down, being condemned either by anachronisms or omissions.¹ The third is also very defective from a diplomatic standpoint, and has been described as "really nothing more than a *historia foundationis* to which the scribe has added the words: 'Haec omnia ego Willelmus rex Anglorum concessi et sigillo meo confirmaui.'"² This criticism applies equally to the Chester *Sanctorum prisca*, save that the confirmatory addition to the *historia* is in this case much less meagre and unconvincing. In both documents there is an abrupt transition from narrative in the third person to confirmation in the first. This abruptness is avoided in the fourth of the Shrewsbury series, the *Sanctorum prisca* confirmation (*d*) ascribed to Henry I., by keeping the whole text of the charter in the third person and relegating the king's confirmation to an attestation clause on the Anglo-Saxon model. The charter ends: "Quae omnia gloriosus Rex Henricus cum omnibus supradictis (*sic*) proprio sigillo firmavit," and the king's attestation follows: "✠ Ego Henricus Rex confirmavi et subscripsi." Yet another variation occurs in Stephen's charter to Shrewsbury (*e*), where the *historia* is neatly dovetailed into a confirmation in the first person: "Rogatus autem rex Stephanus ut confirmaret omnia suprascripta dixit, Cum avunculus meus rex Henricus . . . ista confirmaret praesens aderam. . . . Et ideo ego . . . concedo et confirmo omnia suprascripta."

It is clear that if any of these *historia* charters be genuine, the explanation of the abnormal form must be that a narrative of the foundation and endowment of the house was prepared by the monks themselves and formally confirmed as it stood by earl or king. Charters of local manufacture containing the confirmation of a superior lay authority were not uncommon on either side of the Channel. They usually approximated more nearly to the conventional type than these Chester and Shrews-

¹ Owen and Blakeway, *Hist. of Shrewsbury*, ii. 11-18.

² Davis, *loc. cit.*

bury documents, but the practice makes it almost impossible to condemn charters like these on grounds of form alone. Their irregularity long ago brought some of them under suspicion. The editors of the new *Monasticon Anglicanum* in 1817 headed Earl Hugh of Chester's charter: *S. Werburge Praedia et Possessiones, ex Dono Hugonis Comitis et aliorum*, and Stephen's to Shrewsbury: *Fundationis et Dotationis Historia*. Yet the latter, though in some ways the most amorphous of the group, has a perfectly genuine list of witnesses, and the authenticity of Henry I.'s *Sanctorum prisca* charter to the same abbey can hardly be questioned.¹ It would seem to be dangerous therefore to condemn its Chester analogue merely on the ground of its abnormal form; and if the common features, which are inconsistent with their independence of each other, were due to borrowing by the monks of Shrewsbury, a further element of suspicion is removed. There are other suspicious points about the Chester charter, but its *signa* stand scrutiny, and on the whole it will be wise to suspend judgement as to its genuineness.

This attitude will not be disturbed by the line of argument which led Dr. Robson in 1859 to reject as spurious not only *Sanctorum prisca* but the charters of Earls Richard and Ranulf I.² Finding that the gifts of the first three earls as recited and confirmed by Ranulf II. in the charter preserved at Eaton Hall,³ which he accepted as a genuine original, presented some singular discrepancies from the text of the three charters, despite general agreement in substance and order, and lacked the sections which give them charter form, he inferred that these charters were fabricated in the second half of the twelfth century from the recitals in the Eaton charter. This inference was contested by Dr. Ormerod, who took these recitals to be merely extracts from

¹ It is mentioned not only in Stephen's charter (*Mon.* iii. 519), but in a charter of the Empress Matilda as "domina Anglorum" (*Chart. of Shrewsbury*, No. 40); cf. Round, *Geoffrey de Mandeville*, 418.

² See p. 24.

³ No. 8.

the charters.¹ However this may be, study of the documents certainly supports his rejection of Dr. Robson's view: (1) A later forger using the Eaton charter would surely not have omitted grants like that of a third part of Stanney recited in it. (2) Though almost the whole of the *historia* section of *Sanctorum prisca* is given in the Eaton charter, the supposition that Earl Hugh's charter was constructed from it by the addition of three omitted grants and of the confirmatory clauses in the first person seems to be vetoed by a divergence at one point which suggests exactly the opposite relation.² This conclusion is supported by other features, such as an accidental retention of the first person in the narrative section of the full charter and its freedom from the foreign spellings of proper names found in the Eaton charter.³ (3) The charters ascribed to Earls Richard and Ranulf I. cannot have been built up from the recitals of their gifts in the Eaton charter, not merely because they omit some of the grants which it gives, but because they contain additional details in grants common to both which must have come from a fuller source.

It seems certain then that the charters ascribed to the first three earls were not concocted from the recitals of their gifts in the Eaton charter, though they have a great deal in common both in substance and order. Can these common features be explained by Ormerod's supposition that the Eaton recitals were extracts from the charters? The most cursory inspection is enough to show that they are not mere extracts, for they record gifts which are not in the charters. These additional grants of the earls or their barons might possibly have been made after the confirmation charters passed, and this indeed is one of the explanations suggested by the scribe of the chartulary in his note on the Eaton charter.⁴ At first sight, the inclusion in the latter of the grant (with witnesses) of a salhouse at Nantwich by Hugh

¹ *Journ. Chest. Arch. Ass.* (O.S.) i. 476.

² See p. 26.

³ See p. 65.

⁴ See p. 60.

Malbank in the time of Earl Richard, whose charter knows nothing of it, might seem to be covered by the above hypothesis. But in this case there is the complication that not only does the charter of Earl Hugh confirm a similar gift of William Malbank, the first baron of Nantwich, but this is omitted in the Eaton recital of *Sanctorum prisca*. On the theory which is under discussion this omission could only be accounted for as a deliberate correction of an error in *Sanctorum prisca*, and an error which, if part of the original charter and not a later interpolation,¹ would at once condemn it as spurious.

So far the derivation of the main part of the recitals in the Eaton document from the three charters might be defended, though not without casting suspicion on the first of them. There is however other additional matter in the recitals which proves that if the scribe of the Eaton charter had the three confirmations before him he must have re-edited them from the original grants, whether these were preserved in the shape of charters or in a register kept in the abbey. He gives the original form of the gift of Weston-on-Trent by the Countess Ermentrude, and not only adds the names of many witnesses to baronial grants but has variations in the phrasing of the grants themselves which are not merely verbal. Apart, too, from the fact that the charters were not his only source he omits, without obvious cause, the Caldý, Astbury, and Wightreston grants confirmed in *Sanctorum prisca*.

From what has been said, it will be seen that the problem of the relation of the recitals in the Eaton charter to the three earlier confirmation charters is less simple than the rival hypotheses of Robson and Ormerod assume. It is perhaps impossible now to arrive at the true solution, but the following suggestion may be worth consideration. Is it not conceivable that the source of both recitals and charters may have been such a *historia*

¹ The context rather suggests an interpolation (see p. 32).

of the foundation and endowment of the house as is common in other monasteries, though usually of later date? Such a history may have been begun under the founder and continued under his successors. In its original form it may have had omissions and even errors which were supplied and corrected later. The three charters might have been formed from it in its first state and the Eaton recitals after it had been corrected and amplified. The "post obitum patris mei" with which Earl Richard's charter introduces his gifts to the abbey seems more natural in the third person as a connecting link between the donations of two earls in a *historia*, and is so used in the Eaton recital. But the clearest evidence of the use of such a monastic history is the *Sanctorum prisca* opening, which would be entirely appropriate as its exordium, but makes a very clumsy preamble to a charter. Of course spurious and genuine charters could equally well be constructed from a source of this kind, but it does not seem possible at present to refer the confirmation charters of the first four earls definitely to the one category or the other. In the absence of such clear proof of forgery as impossible witnesses,¹ and in view of the uncertain measure of irregularity to be allowed to home-made charters, prominence has been given in the notes on these documents to the points which are consistent with their being genuine, but it will be seen that they present many features which, taken together, excite considerable suspicion. Apart, moreover, from the points in which they are individually open to criticism, the very completeness of the series should perhaps be counted as a suspicious circumstance. Fortunately, even if these charters proved to be fabrications, the genuineness of the grants confirmed by them would remain unaffected.

¹ There is a possible case in the charter of Ranulf I. (p. 50), but it is not a certain one.

VI

The loss of all the official records of the palatinate between the Domesday Inquest and the "Great Charter" of Ranulf III.,¹ except half a dozen entries in the Cheshire Domesday Roll² at the very end of the intervening period, leaves nothing but the casual evidence of charters with which to trace back to the early part of the twelfth century its administrative and judicial institutions as they come into light in the thirteenth. Of these charters those granted to Chester abbey form an important section.

The chief officer of the palatinate in the thirteenth century was the justice. His name stands first among the witnesses of many comital charters. There is no evidence that he occupied so important a position in the twelfth century. Before the close of the reign of Henry II. the only justice who is mentioned by name in the fairly abundant charters of Ranulf II. and Hugh II. and their barons is the "Adam justicia comitis," who attests the confirmation by the constable William II. of the tenure of Raby by the abbey,³ but occupies an inconspicuous place among the witnesses.

This silence might be in part misleading, if Leycester and others were justified in the extension: "constabulario, dapifero, *justiciario*, baronibus," etc., in the salutation clause of a considerable number of charters. The abbreviated form, however, is placed just as often between baronibus and vicecomitibus where the plural is clearly intended, and even for the early thirteenth century a charter which was carefully copied has the plural in the first position.⁴ The honour of Chester comprised a good deal more than Cheshire. The district which became Flintshire had its own justice later and perhaps already, and the region between Ribble and Mersey which was possessed

¹ No. 60.

² Ormerod, *Cheshire Domesday Roll*, II.

³ No. 351.

⁴ Dugd. *Cart. Ant.* No. 116.

by Ranulf II. and again by Ranulf III. had at least one.¹ The only case in which the plural seems inadmissible is in Hugh II.'s charter to Stanlaw abbey, addressed, if Leycester correctly transcribed it : *justiciario, constabulario, dapifero*, etc.,² and this is clearly exceptional.

There is no doubt, however, that under Ranulf II. Cheshire had a single justice, for that earl required "*meam justiciam Cestrie*" to punish those who disturbed his gift of a tenth of his revenue from the city.³

There is ample evidence of the existence of the chamberlains, the most important officials after the justice in the later palatinate, from a date within forty years of its creation, and with similar powers. A grant of the founder to the abbey in Anglesea, which cannot be later than 1094, is attested by Hugh the chamberlain (*camerarius*).⁴ No chamberlain of Richard or Ranulf I. is mentioned by name, but a most important passage in the latter's charter to St. Werburgh's reveals the earl's chamberlains receiving the farm of the sheriff of Chester and making allowance to him by tally for the loss of judicial profits alienated to the abbey.⁵ Two chamberlains of Ranulf II., Philip and Spileman, occur as witnesses of charters. They both attest his confirmation of Campden to the Countess Matilda,⁶ and it would thus seem that the double chamberlainship of the thirteenth century was already in existence. Under Hugh II. Bertram is the only chamberlain, with a single exception, who

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ERRATUM

Page xlv, line 27. *Dele* "The district which became Flintshire had its own justice later and perhaps already."

chamberlain¹ warns us not to conclude hastily that he had no colleague. It is true that Ranulf III., if Leycester may be trusted, addressed a charter: "constabulario, dapifero, *camerario* et omnibus ministris eius";² but this may be a wrong extension. Bertram continued in office under Ranulf III. down to 1208 at least.³ This at once disposes of Leycester's identification of him with Bertram de Verdon,⁴ the well-known baron and judge, who died in 1192.⁵ The chamberlain was perhaps an early Bertram de Meolse.⁶ His wife Mabel is mentioned.

A Hervey occurs as chamberlain in 1183,⁷ Robert the chamberlain appears before 1200,⁸ Thomas attests as chamberlain two charters which were apparently granted between 1208 and 1217,⁹ and David, "the lord earl's chamberlain" occurs between the same years.¹⁰ An Orm the chamberlain is mentioned about the same time^{10a} and Richard de Kegworth (Cagwr') held the office between 1217 and 1226.^{10b}

In the following list of the household and other officers of the first six earls, excluding chamberlains, the names of those who have not been noted as witnesses of charters to the abbey, etc., are placed in square brackets:

	Hugh I.	Richard.	Ranulf I.	Ranulf II.	Hugh II.	Ranulf III.
Constable	William fitz Nigel	William fitz Nigel	William fitz Nigel	William II. Eustace fitz John	Eustace fitz John Richard fitz Eustace John de Lacy	John de Lacy Roger de Lacy John de Lacy
Steward (<i>dapifer</i>) . .	Ranulf, Ralph	Ralph	Ralph [Robert ?]	Robert (de Mold)	Robert Ralph II.	Ralph II. Robert II. Roger

¹ *Hist. MSS. Comm.* 10 Rep. App. iv. 200 (a charter of 1169-81).

² *Orm.* i. 38, ii. 401.

³ *Ibid.* i. 38.

⁴ *Ibid.* i. 59.

⁵ *D.N.B.* s.v.

⁶ *Pipe R.* 29 Hen. II. 15; 30 Hen. II. 28.

⁷ *Pipe R.* 29 Hen. II. 152.

⁸ *Orm.* i. 37.

⁹ *Ibid.* ii. 14, 47. The latter is wrongly dated by Helsby c. 1232 (*ibid.* i. 59).

¹⁰ *Staffs Hist. Coll.* (N.S.) ix. 335.

^{10a} *Chest. Arch. Soc. Journ.* x. 17.

^{10b} *Orm.* iii. 62.

ADMINISTRATION OF NORMAN CHESHIRE xlvii

	Hugh I.	Richard.	Ranulf I.	Ranulf II.	Hugh II.	Ranulf III.
Butler (<i>pincerna</i>) . .	Richard William (?)	Richard	[Richard] William (?)	[Robert] Richard II. William	[Robert] Robert II. ^o [Richard II.] [William]	William Ellis
Dispenser (<i>dispensarius</i>)				Geoffrey	Geoffrey Thomas	Bech ¹ Thomas (<i>d.</i> 1218) Hugh (<i>d.</i> 1238) Robert Geoffrey Henry
Usher (<i>Hostiarius</i>) .		*		Geoffrey	Ranulf (de Merton)	Ranulf Gerold
Hunter (<i>Venator</i>) . .	Ranulf Erneis [Gilbert de Venables]	[Ranulf]		Serlo Ranulf		
Hawker (<i>au(o)stucarius</i> <i>v. auceps</i>)				Hugh		
Falconer (<i>falcinarius</i>) .				Berengar		

In some instances where contemporary members of a family share the title, the emergence of a surname may be suspected, as in the case of the five brothers who appear as *dispensarii* in the charters of Ranulf III.

The "chancery" or secretarial arrangements of the palatine earldom, of which the first clear glimpse is got in the attestation clauses of the charters of Ranulf II., are less pretentious than might have been expected in so important a regality as that of Chester. There is no chancellor,² and though among the attesting chaplains a certain William appears oftenest, and once as "Willelmus capellanus qui hanc cartam scripsit,"³ it must not be necessarily inferred that he was the head of the earl's secretariat, for another charter has for its last witness a "Johannes clericus qui hanc cartam fecit ad Cestriam precepto comitis,"⁴ doubtless the "Johannes capellanus" who attests other charters,

¹ Orm. i. 33.

² His father, however, had had one, Geoffrey by name (*Eng. Hist. Rev.* xxxiv. (1919) p. 530, No. 494; Round, *Feudal England*, 213 n.).

³ Farrer, *Lancs Pipe R.* 296.

⁴ Harl. MS. 2079, f. 7d. The only case in Ranulf's charters in which "clericus" replaces "capellanus." For a possible reference to John as a landholder see *Pipe R.* 2 Hen. II. p. 64.

occasionally with William. Imperfect as it is, the evidence does not seem to reveal a highly organised department, though the charters themselves are drawn on regular lines, probably modelled on the practice of the royal chancery.

Under Earl Hugh II. "clericus" is usually preferred to "capellanus,"¹ and the use of the gem seal of one of the "clerici comitis" as a counter-seal to the great seal of the earl both in its earlier and later type rather suggests that this William Barbe de Averill (Barba Aprilis) was head of the secretarial department of the earldom.² He was apparently son of Ralph Barbe de Averill, a chaplain of the earl.³

An even more outstanding personage under Hugh's son Ranulf III. was Peter "the earl's clerk." Ranulf stood godfather to his son,⁴ and he became lord of the manor of Thornton le Moors and founder of the local family of Thornton (or Le Roter).⁵ He was sometimes called "clerk of Chester,"⁶ and on two occasions attested charters as "Peter the Chancellor."⁷ If he was the "Peter the clerk" who drafted the famous Amicia charter of Hugh II.,⁸ his official career was a long one. He was seemingly alive after 1226.⁹ Charters of the final years of

¹ But a "Nicholas capellanus" appears as writer of a charter, *c.* 1169-81 (Hist. MSS. Comm. 10 Rep. App. iv. 200).

² Birch, *Brit. Mus. Cat. of Seals*, ii. 264-5; Warner and Ellis, *Facsimiles of Royal Charters in Brit. Mus.*, 1066-1216, Nos. 51, 52. Birch does not notice this use of William's seal on the first type of Hugh's, but it is established by No. 51 in Ellis and Warner, if it be dated correctly.

³ *Ibid.*

⁴ Orm, ii. 14.

⁵ *Ibid.* The statement that he was son of David le Clerc of Malpas (*ibid.* ii. 598) seems to be a mere inference from the name and invalidated by the fact that it was an official title in Peter's case. He had a brother Robert (Dugd. *Cartae Antiquae*, No. 116), and sons Patrick and Randulf (*infra*, Nos. 200-201).

⁶ *E.g.* Round, *C.D.F.* No. 858.

⁷ Orm, i. 38 (1188-1190); *Chest. Arch. Soc. Journ.* (N.S.) x. 18; cf. *ib.* xiii. 97. The "Thomas cancellarius" of a Poulton deed (*Staffs Hist. Coll.* (N.S.) ix. 330) should probably be *camerarius*.

⁸ Orm, iii. 226.

⁹ *Hist. Coll. Staffs* (N.S.) ix. 343. He personally wrote (between 1200 and 1211) Ranulf III.'s confirmation of half a salhouse at Northwich to the abbey (No. 326).

Ranulf III. are attested by "Simon and Peter clerks," or "Simon and John clerks." Other clerks witness charters even in his time. A "Rogerus clericus" attests one between 1187 and 1200,¹ and "Johannes clericus" and "Thomas clericus" appear with Peter in charters the dates of which fall between the latter year and 1208.² Richard de Rostherne is described as "clerk of the Justice" (Philip de Orreby) in a charter of c. 1208-16.³

A Ranulf attests three charters of Ranulf II.⁴ as sheriff, and a Robert fitz Hugh one of these with the same title, but as two relate to possessions of the earl outside Cheshire and passed elsewhere, there is no good evidence that either was sheriff of the palatine county. The name of one early local sheriff is preserved, indeed, in that of Winebaldus vicecomes, whose house in Chester stood next to a tenement given to the abbey in Ranulf I.'s time.⁵ But Winebald was probably not sheriff of the country but of the city of Chester. In Ranulf III.'s time, William Gamberell (c. 1190-1211) most likely, and William Saracen (before 1220) and Stephen Fresnel certainly, must be added to the list of the city sheriffs.⁶ The Pain of No. 23 was however perhaps sheriff of the county. Attention does not seem to have been drawn hitherto⁷ to the interesting fact that Chester was the first of English towns to have a sheriff or, as in this case it would be more correct to translate vicecomes, a vice-earl whose official sphere was limited to the city and its territory. The early sheriffs of London were actually sheriffs of Middlesex and London, though the latter, by force of circumstances, was their main

¹ Orm. i. 37. Probably the Rogerus "clericus de Cestria" of a deed after 1208 (*Staffs Hist. Coll.* (N.S.) ix. 333).

² No. 18; *Hist. MSS. Comm.* 10 Rep. App. iv. 200.

³ *Staffs Hist. Coll.* (N.S.) ix. 338.

⁴ *Hist. Coll. Staffs* iii. 1. 192; Orm. i. 23, 25.

⁵ Page 59.

⁶ *Staffs Hist. Coll.* (N.S.) ix. 326, 330; *Chest. Arch. Soc. Journ.* (N.S.) x. 20.

⁷ Miss Margaret Tout, daughter of my colleague, Professor T. F. Tout, in a thesis on the administration of Cheshire under Edward II. independently noted the significance of the city sheriffs of the thirteenth century.

concern,¹ and the first city to be created a county in itself, with its own sheriff or sheriffs, was Bristol, in 1373.

That the sheriff of the city of Chester was the farmer of its revenues is clearly established by the order of Ranulf I. when alienating a part of them to the abbey that a corresponding allowance should be made to the sheriff by his chamberlains.² Boroughs, in that age, were usually farmed by the sheriff of the county in which they lay, but a palatine earl would find it easy and convenient to separate the farms of city and county, and the division was as old as the time of the first earl.³

In another charter, of Ranulf II., the "vicecomes civitatis" is charged, in conjunction with the officers of the abbey, with the arrest and custody of merchants who attempt to trade outside St. Werburgh's fair, until they find securities to stand their trial in the abbey court.⁴

¹ Round, *Geoff. de Mandeville*, 347.

² No. 6.

³ It is recorded in Domesday (i. 262b) that Mundret farmed the city from the earl, though he is not there called vicecomes. Mundret had also the earl's pleas in the county and hundred courts at farm, while in a normal county the profits of royal justice were farmed by the sheriff of the shire. For the *vicomtes* of Rouen see Haskins, *Norman Institutions*, III, 142, 151.

⁴ No. 7.

TITULI ET ORDO MUNIMENTORUM MONASTERII SANCTE WERBURGE

Prima distinctio.

Sanctorum prisca Hugonis comitis primi	prima folio columpna prima.	[f. 2.]
Perhibicio testimoni[i] sancti Anselmi	i. fo. ii. col. ¹	
Confirmacio et protectio Theobaldi archie-		
piscopi	iii. fo. i. col.	
Magna bulla	v. fo. iii. col.	
Donaciones et confirmaciones Ricardi		
comitis	ii. fo. i. col.	
Donaciones et confirmaciones Ranulfi		
comitis	ii. fo. i. col.	
Carte de nundinis Cestrie	ii. fo. ii. col., iii. col.	
De decima reddituum Cestrie et pontis	ii. fo. iii. col.	
et piscium	xvi. fo. ii. col.	
De natiuis fugitiuis	iii. fo. i. col.	
De decimis dominicorum	iii. fo. i. col.	
Confirmacio Ranulfi comitis quarti de		
donacione de Uptona	ii. fo. iii. col.	
De centum denariis in die anniuersarii	iii. fo. iii. col.	
Hugonis comitis pauperibus erogandis ² .	xvi. fo. i. col.	
Carta de persona in forestis	xvi. fo. iii. col.	
Donacio ecclesie sancte Marie de Castro	[xx] iii. fo. i. col.	
Confirmacio Ranulfi comitis quarti de multis	ii. fo. iii. col.	
Confirmacio Ranulfi comitis sexti de omni-		
bis prius datis	iii. fo. i. col.	
Confirmacio Johannis comitis et quietacio de		
tribus panibus et pultura seruiencium .	iii. fo. ii. col.	
De decimis nouorum molendinorum Cestrie	iii. fo. iii. col.	
De pultura seruiencium in Wyrhall' . . .	xvii. fo. iv. col.	

¹ The references are, of course, to the old foliation (see above, p. xxxii.) which is given in the margin in round brackets from the point at which it begins (p. 15).

² In the margin of the MS.

*Secunda distinctio.*¹

Confirmacio Henrici regis de possessionibus et libertatibus in Cestresiria, Derbysiria et Notynghamsiria	iii. fo. ii. col.
Confirmacio generalis Edwardi regis filii Henrici	iii. fo. ii. col.
Confirmacio eiusdem super donacionibus Hugonis primi comitis et Ricardi filii eius	iii. fo. ii. col.
Confirmacio eiusdem super cartis Ranulphi tercii comitis et successorum suorum . . .	iii. fo. ii. col.
Confirmacio eiusdem Edwardi super ecclesia de Pre[steburia] et libertatibus Weston' et multis	iii. fo. iii. col.
Carta eiusdem de exitibus monasterii in vacacione	iii. fo. iii. col.
Carta eiusdem de venacione capienda . . .	iii. fo. iii. col.
Carta de warennia maneriorum	xvii. fo. iii. col.
Carta Edwardi regis de subuencione omni facta in Wallia	xvi. fo. ii. col.

Tercia distinctio.

Protestacio Rogeri de Clifford' et T. de Boulton' [super] inspectione cartarum . . .	iii. fo. iii. col.
Protestaciones R. de Schirbo[urne]	iii. fo. iii. col.
Protestacio Guncelini de Bad[l]esmera . . .	iii. fo. iii. col.
Protestaciones R. Burnel	iiii. fo. iii. col.
Veredictum coram R. de Schirebourne prolatum super libertatibus monasterii . . .	iiii. fo. i. col.

Quarta distinctio.

Carte de mesuagiis et redditibus	{ xvi. fo. i. col. xxvii. fo. i. col. xxv[iii.?] fo. ii. col.
De curtilagio conuentus	xvi. fo. i.-ii. col.

Quinta distinctio. Tituli cartarum de Brexin Hundred.

Carte de Boghtona	xxxix. fo. ii. col.
De fonte et aqueductu	xvii. fo. i. col.
De Huntynghona	xxviii. fo. iii. col.
De Salghтона et Cheueley	{ xvi. fo. iii. col. xvii. fo. i. col., iii. col. xxxviii. fo. iii. col.
Item de Cheueley	{ xxiiii. fo. iii. col. xxxviii. fo. [iiii.] col.

¹ From here the numbers are given (if at all) in the margin.

De Willa de Bruera	xxiii. fo. i. col. ¹
De Cotes	xxxix. fo. i. col.
De Hanneley	{ iii. fo. ii. col. xvi. fo. iii. col. xxv. fo. iii. col.
De Wauerton	{ xxxix. fo. i. col. xxv. fo. iii. col.
De Hattona	xxiii. fo. ii. col.
De Codyntona	xxxix. fo. iii. col.
De Aldeforda	xxxiv. fo. [iii. col.]
De Crwe	xxxix. fo. iii. col.
De Huxley	xxxix. fo. i. col.
De Cristiltona	xxxix. fo. ii. col.
De Hole	xxviii. fo. iii.-iiii. col.
De Neutona	xxviii. fo. iii. col.
De Uptona	xxix. fo. i. col.
De Wyrfuyn	xxxix. fo. iii. col.
De Pyctona	xxxix. fo. iii. col.
De Broctona	xxiii. fo. ii. col.

Sexta distinctio. Tituli cartarum de Wyrhall'.

De Blaken'	xl. fo. i. col.
De Crabwall'	xxxix. fo. iii. col.
De Lee	xxviii. fo. iii. col.
De Salghala	xxx. fo. i. col., iii. col.
De Morstona	xxix. fo. iii. col.
De Bacford'	{ xxix. fo. iii. col. xxx. fo. [i. col.].
De Chorletona	xxix. fo. iii. col.
De Capenhurst	xxix. fo. iii. col.
De Stanlowe	xv. fo. i. col.
De Nestona	xxiii. fo. ² [i. col.]
³ [De Gayton	xxii]ii. fo. ii. [ii.] col. [f.2d.]
[De Pulle	iii. fo. ii. col.]
[De Raby]	xvii. fo. iii. col.
[De Estham] et Wilastona	{ xxxi. fo. ii. col. xvii. fo. iii. col. .. iii. col.

¹ The gap which follows may have contained references to the Burwardsley and Dodleston entries.

² Two lines and a half torn off.

³ Top left corner torn off. Names and figures in brackets supplied from Dugdale, *Mon. Angl.* ii. 381.

De Brumborgh	{ xvi. fo. i.-ii. col. xvii. fo. iii. col. xxx. fo. iii. col. xxxii. fo. ii. col.
De Bebintona	{ xxvi. fo. iii. col. xxx. fo. iii.-iiii. col.
De Netherbebintona	xxxii. fo. ii. col.
De Pultona	xxx. fo. iii. col.
De Yrby	xxxii. fo. i. col.
De Grauesby	{ iii. fo. ii. col. xvii. fo. iii. col.
De Wodechirch'	xxix. fo. i. col.
De Budestona	xxx. fo. iii. col.
De Waleye	xxvi. fo. iii. col.
De Kyrkeby	xxiii. fo. i.-ii. col.
De Hyldeburgheie	xxiii. fo. ii. col.
De Natiuis	xxxii. fo. i. col.

[*Septima distinctio*] *Tituli cartarum de Edesbur[i] Hundred'*.

De Ynes	{ xvi. fo. i.-ii. col. xxxix. fo. iii. col.
De Alrichesholm	xx. fo. ii. col.
De Hellesby	xxxiii. fo. i. col.
De Hychenescote	xxxiii. fo. i. col.
De Manneley	xxii. fo. iii. col.
De Catenale	iii. fo. ii. col. xxvi. fo. iii. col.
De Barewe	xxiii. fo. iii. col.
De Ydinchale	xxxvi. fo. i. col.
De Tudelstona	{ xvii. fo. ii. col. xxiii. fo. iii. col.

[*Octaua distinctio*] *Tituli cartarum de Wych Hundred.*

De Wich[o] Malbanc'	{ xvi. fo. iii. col. xxv. fo. i. col.
De Lautona	{ xxiii. fo. ii.-iii. col. xxxvi. fo. iii. col.

Nortwich Hundred.

De Nortwico	xvi. fo. iii. col.
[De Go]setre	{ xxiii. fo. ii.-iii. col. xxxv. fo. [ii.]-iii. col.
[De [Be]rnschawe	xxxv. fo. i. col., iii. col.
[De Craulache]	xxxiii. fo. ii. col. .. col.

[De Craulache ?]	.	.	.	.	.	xxxiii. fo. iii. col.
[De Leyes ?]	.	.	.	.	.	xxxiii. fo. ii. col.
De Rodehet	.	.	.	.	.	xxxiii. fo. ii. col.
De Lache Malbanc'	.	.	.	.	.	xxxiii. fo. ii. col.
De Crokedelache	.	.	.	.	.	xxxiii. fo. ii. col.
De Plumley	.	.	.	.	.	xxxv. fo. iii. col.
De Wynyntona	.	.	.	.	.	xxv. fo. ii. col.
De Wythintona ¹	.	.	.	.	.	xxv. fo. i. col.
De Hathertona	.	.	.	.	.	xli. fo. iii. col.

Nona distinctio. Tituli cartarum de Maclesfeld' Hundred'.

De Macclisfeld	.	.	.	.	.	xxvi. fo. iii. col.
De Prestebury	.	.	.	.	.	{ iii. fo. ii. col. xxv. fo. iii. col.
De Motterum	.	.	.	.	.	xxvi. fo. ii. col.
De Hydresfeld	.	.	.	.	.	xxvi. fo. iii. col.
De Bothes	.	.	.	.	.	xxxvi. fo. ii. col.
De Wydeford	.	.	.	.	.	xxvi. fo. iii. col.
De Ponyntona	.	.	.	.	.	xli. fo. iii. col.
De Wininton [<i>sic</i> for Wythintona]	.	.	.	.	.	xxv. fo. i. col.
De Cholleford'	.	.	.	.	.	xxv. fo. i.-iii. col.
De Astehull'	.	.	.	.	.	xxv. fo. ii. col.

De Boklowe Hundred.

De Tabley	iiii. fo. ii. col.
De Norhtworthy	xvi. fo. iii. col.

Decima distinctio.

De Haltoneschiria.

De Clyftona	xvi. fo. ii. col.
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De Lancastrashiria.

De Roughford'	xli. fo. ii. col.
De Meles	xli. fo. ii. col.

De Lyndeshey.

De Zibbeshey	iiii. fo. iii. col.
De Malteby	.	.	.	.	.	xiii. fo. i. col.

De Campedena	.	.	.	.	.	viii. fo. ii. col.
De Dene[fo]rd	.	.	.	.	.	viii. fo. iii. col.
De Hoer ^{1a}	.	.	.	.	.	xvi. fo. i. col.

¹ Withington in Macclesfield hundred inserted here by mistake owing to its proximity to Winnington in the text.

^{1a} A mistake for Hoh'=Hough (No. 310) which should have been indexed under Bucklow hundred.

De Wallia.

De Broctona	x[x]iiii. fo. ii. col.
De Halliwella	xvi. fo. iii. col.
De Dyssarda	iiii. fo. ii. col.
Carta communis Cestresirie	v. fo. i. col.

Undecima distinctio. Tituli de D[er]bischiria.

De Derby	xi. fo. iii. col.
De Westona	viii. fo. iii. col.
	ix. fo. ii. col.

	.. ii. col.
	xii. fo. ii.-iii. col.

	.. ii.-iii. col.
	xli. fo. iii. col.
[f. 3.] De Astona	viii. fo. iii. col.
	ix. fo. i.-iii. col.
	x. fo. i.-iii. col.
	xi. fo. i.-iii. col.
	xii. fo. i. col., iii. col.
	xiii. fo. ii. col.
	xiv. fo. i. col.
De Schardelowe	{ xiii. fo. ii.-iii. col.
	{ xiii. fo. i. col.
De Wylne	xiii. fo. i.-iii. col.
De Smalley	xiii. fo. iii.-iii. col.
De Morley	{ xii. fo. iii.-iii. col.
	{ xiii. fo. i. col., iii. col.

Duodecima distinctio. De spiritualitate v. fo.—viii. fo.

De donacione ecclesie sancte Marie in Cestria	iii. fo. i. col.
De ecclesia sancti Petri in Cestria	xxiii. fo. i. col.
De decimis dominicorum comitum	iii. fo. i. col.
De decima reddituum ciuitatis Cestrie	{ ii. fo. iii. col.
	{ xvi. fo. ii. col.
	{ iii. fo. ii. col.
De aduocacione ecclesie de Presteburia	{ xxiii. fo. v. col.
	{ xxv. fo. iii. col. ¹
	{ xxvi. fo. i. col.
De aduocacione ecclesie de Astebury	xvi. fo. iii. col.
De aduocacione de Morlegh'	xiii. fo. i. col.

¹ iii. col. in MS. which omits the final reference.

De ecclesia de Kyrkeby	xxiii. fo. i. col.
De ecclesia de Nestona	xxiii. fo. i. col.
De ecclesia de Lautona	xxiii. fo. iii. col.
De ecclesia de Halliwellla	xvii. fo. iii. col.
Confirmacio archiepiscopi super ecclesiis de Waley, Astebury et Prestebury, et viii. solidis de ecclesia de Hanley	vii. fo. ii. col.
Confirmacio episcopi super ecclesiis de Bebyntona et Waley et viii. solidis de ecclesia de Hanley	x[x]vi. fo. iii. col.
De pensione ecclesie de Hanley	iiii. fo. ii. col.
De decimis et oblacionibus de Staney	xv. fo. i. col.
De decimis dominicalibus de Roucestra et Werlastona	xxii. fo. ii. col.
De decimis de Frodesham, Weuerham et Leec'	xxii. fo. iii.-iv. col.
Composiciones cum fratribus Hospitalis sancti Johannis	xxiii. fo. iii. col.
Composiciones cum canonicis sancti Jo- hannis et cum Monialibus et fratribus predicatoribus	xxiii. fo. iii. col.
Composicio cum rectore ecclesie de Wodechirche	xxxii. fo. iii. col.
Composicio cum rectore capelle de Goves- worth'	xxxvi. fo. ii. col.
Composicio cum rectore ecclesie de Lautona	xxxviii. fo. iii. col.
Composicio cum rectore de Plym[unde- stowe de decimis de] Hole	xxxix. fo. ii. col.
De cantaria de Berneschawe	xxxv. fo. i. col.
Composicio rectoris de Westona de capella [Cu]rie	xi. fo. ii. col.
Priuilegium oratoria construendi in maneriis [abbatis in Cestresiria]	[xli. fo. ii. col.]
Compulsio episcopi contra detentores deci- marum, oblacionum et debitorum	xxiii. fo. i. col.
De restitutione bonorum in Bangorensi diocesi	xxii. fo. i. col.
De capellanis pro Philippo Burnel cele- brantibus	xvi. fo. iii. col.
De capellanis pro Johanne Arnewey cele- brantibus	xli. fo. i. col.
Composicio inter abbatem et rectores ecclesie de Stoke	xli. fo. iii. col.
Sententia diffinita super decimis de Poninton	xli. fo. iii. col.
De capella de Wydeford'	xxvi. fo. iii. col.

De conuencione inter dominum Henricum
 de Lascy dominum de Casteldonyngtona
 et Thomam abbatem Cestrie et eiusdem loci
 conuentum dominum de Weston de diuer-
 sis rebus in lite habitis } xli. fo. iiii. col.
 De homagio, warda, releuio etc. recuperatis }
 de Hugone de Raby domino de Raby . . . } xlii. fo. i. col.

¹ *Pro episcopo in visitacione.*

De Shotwik	iiis. iiiid.
„ Nestona	vis. viiid.
„ Hasilwalla	iiis. xd.
„ Thurstantona	xxd.
„ West Kirkeby	vis. xid.
„ Walesey	viis. iiiid.
„ Bebyntona	viis. iiiid.
„ Brumbrogh et Estham	xs. xi[d.]
„ Stoke	iiis. . .
„ Backford	iiis. id.
„ Wodchurche . . . . .	.. ..
„ Bidsto	iiis. ..

Hec supradicta [two lines illegible].

- I. Grant by Edgar, king of the Mercians, to the religious community of St. Werburgh at Chester of seventeen hides of land at Hoseley, now in Flintshire, and Cheveley, Huntington, Upton, Aston, and Barrow in Cheshire, free from all secular service, and from all money payments, and from the duties of military service, bridge-building, and repair of fortifications. 958.

From the chartulary (Ch.) collated with the less correct form given by Dugdale, *Mon.* ii. 384, No. II., copied "Ex vetusto exemplari penes Willelmum Vernon de Skakerly (*rect.* Shakerley) in com. Lanc generosum, an. 1630," and in Harl. MS. 2060, f. 37 (old, 66). Pd. in Birch, *Cart. Sax.* iii. 245, No. 1041, and (from D.) in Kemble, *Cod. Dipl.* No. 473.

[f. 3^d.] [Omnipot]ens pater Spes vnica Mundi, fabricator celi, Conditor orbis, qui diem Titanis splendidissimi ² radiis flagrantibus ³ lustrando percurrit, ⁴ Noctemque Cinthie iubaris splendore comit, ⁵ omnia nobis bona plus merito concedens donauit, vicemque aliis tam per ewangelicum ⁶ paradigma quam per aliarum seriem scripturarum ⁷ rependi precepit. ⁸

¹ In a later hand.

³ flagrantibus Ch.

⁵ comitur Ch., H; a blank in D.

⁷ scriptarum Ch., H.

² splendidissime D, H.

⁴ procreauit D, H.

⁶ euangelii D; euangelium H.

⁸ percept H.

Quapropter ego Eadgarus¹ Regni Merciorum Christi fauente gratia sublimatus ad culmina; pro expiacione anime mee meorumque predecessorum Eadmundi videlicet incliti Anglorum Regis et genitoris mei; necnon et beate memorie Ethelstani eiusdem gentis Regis nobilissimi, dono et libenter concedo² humili³ familie Deo omnipotenti in honore sacratissime⁴ semperque virginis Werburge in loco qui dicitur Leiacestria assidue militanti quandam partem agrorum, Hoc est .xvii. manencium non in uno tamen⁵ loco, set in diversis sparsim locis diuisos,⁶ quorum nomina hic tenentur inserta, que⁷ sic vocitantur⁸ Hodeshlid⁹ et Ceofanlea¹⁰ et Huntingdun¹¹ et Huptun¹² et Eastoñ¹³ et Barue, vt habeant cum omnibus bonis ad illam terram pertinentibus, et sine ulla contradiccione omni tempore iure hereditario possideant, et quicquid exinde facere voluerint¹⁴ liberam in omnibus potestatem habeant¹⁵ faciendi. Est autem hec terra circumcinta terminis¹⁶ etc. Sit¹⁷ etiam hoc mee concessionis donum liberum ab omni aggrauacione¹⁸ secularis¹⁹ seruicii et ab omni censu et expedicionis profeccione pontisque construccione et arcis municione.

Si quis vero quod absit inuidie²⁰ facibus succensus presumptibili elacionis fastu, hoc mee donacionis munimen frangere aut minuere²¹ voluerit, sciat se reum omni hora uite sue et tenebrosi Tartaris flammiumas²² voragines in futuro non euadere nisi²³ prius cum satisfaccione pleniter emendauerit.

Actum est hoc mee concessionis donum anno dominice incarnationis .dcccc.lviii.²⁴ indictione vero .ra.²⁵ anno secundo²⁶ Regni mei in loco famoso qui dicitur Pencric.²⁷ Hii testes aderant qui hoc consenserunt et subscripserunt et cum triumphali vexillo sancte crucis Christi firmauerunt et corroborauerunt.²⁸

¹ Edigarus D. H.

³ humile H.

⁵ tantum D, H.

⁷ qui D, 93 H.

⁹ Hodesnid D.

¹¹ Huntingdon D.

¹³ Corrected from Aston in Ch.; Eston D, H.

¹⁴ voluerunt H.

¹⁶ et metis D, et mettis H.

¹⁸ aggregatione D, H.

²⁰ inuidie . . . hoc mee om. D.

²² flammineas D, H.

²⁴ .dcccclviii D, H, which led Bishop Tanner to declare the charter spurious (*Not. Mon. Chesh. vii.*). Birch carelessly foists the false date into the chartulary text.

²⁵ vero ra blank in D, vero qo H.

²⁷ Pentric H, Wentric D.

² Om. H.

⁴ sanctissimae D, sancitissime H.

⁶ diuersis H, om. D.

⁸ vocantur Birch wrongly.

¹⁰ Ceosaula D, Coesaula H.

¹² Hupton D, H.

¹⁵ habeant om. D.

¹⁷ Sit om. D, H.

¹⁹ seculariis H.

²¹ munire H.

²³ nec H.

²⁶ sui H, om. D.

²⁸ firmauerit et corroborauit H.

Ego Eadgarus¹ Rex Merciorum² ceterarum [que]³ nacio-
num concensi et scribere iussi, et cum signo sancte crucis
confirmaui et corroboraui.

Edgar's charter was not one of the title-deeds of the abbey to which the possessions of the old house of secular canons were regranted by its founder, Earl Hugh I., and so it was not at first entered in the chartulary and is not referred to in the index. It was inserted on a blank page at the beginning of the book in a different hand, and without a heading. Unfortunately no early copy has come to light, and the prospect of recovering the missing boundaries and witnesses is remote. But for one or two small additions, and the form Wentric for Pencric (Penkridge in Staffordshire), Dugdale's "vetustum exemplar" would seem to be a mere careless copy of the chartulary text. It is possible, however, that it was taken from a different but very similar text in which the initial letter of Pencric had become "W" by the common confusion of "P" with the O.E. form of "W".

The charter has been denounced as spurious on inadequate grounds, an error in the year which is only found in an inferior text and its position in the chartulary from which Ormerod drew the unfounded conclusion that the monks did not believe it genuine.⁴ If the charter is to be proved a forgery, it must be on much more substantial grounds than these. In weighing the evidence for and against its authenticity I have had the advantage of consulting Mr. W. H. Stevenson of St. John's College, Oxford, our greatest authority on Anglo-Saxon diplomatic, and Dr. Henry Bradley, one of the editors of the *New English Dictionary*, has been kind enough to report on the forms of the place-names.

Apart from the proem, the charter is drawn up in almost the same words as a Winchester charter of Edgar in 963 in favour of the Shropshire thegn Wulfric,⁵ which Mr. Stevenson believes to be genuine, and it has considerable agreements with an original charter with the same date as itself, which conveys Stanton upon Arrow, co. Hereford, to the thegn Ealhstan.⁶ The formulae of Edgar's time, however, continued in use until the Conquest, and hence, as Mr. Stevenson informs me, must have been familiar in most monasteries. A skilful fabricator would take care to follow them. On the other hand, as the Benedictine abbey of Chester was a new foundation, there seems no motive in its case for the forgery of a pre-Conquest grant of five manors which it held by later and sufficient titles, and a sixth which it never held nor apparently claimed to hold. The fact that it was only entered in its chartulary by an afterthought is in truth evidence of its being genuine rather than, as Ormerod thought, of its spuriousness. A

¹ Edgarius D, H.

³ Supplied from D.

⁴ *Hist. of Chesh.* i. 249.

⁶ Birch, *Cart. Sax.* iii. 242, No. 1040.

² Merciuorum H.

⁵ Birch, *Cart. Sax.* iii. 355, No. 1119.

forger too would surely have included in the grant more than six of the twenty-one manors which the church of St. Werburgh possessed in 1086.¹

The charter has some features which, according to Mr. Stevenson, are unusual in the middle of the tenth century but not sufficient to condemn it. Grants to a familia direct, without mention of its head, are rare at that date. The use of the full royal style in the attestation clause rather than in the words of grant is very unusual, but is supported by the contemporary grant of Stanton upon Arrow, already referred to. "The most suspicious feature in the charter," he continues, "is the mention of prayers not only for the sins of the grantor but for those of Edmund and Athelstan. But here again the text does not go to the length of the post-Conquest charters in extending the benefits of the prayers to the donor's ancestors indefinitely." To these exceptional features he might have added the exemption from the so-called "trinoda necessitas." Such exemption seems to have been excessively rare. Indeed, there is only one clear and indisputable case, in a charter of Athelstan granted in 930.² It is possible, however, that some copyist carelessly or unscrupulously altered the abbreviation of "preter" before "expeditionis protectione" into the sign for "et" and thus converted the normal saving of the three services into an abnormal grant of them.³

The proem of the charter is unique. It is made up from the Carmen Paschale⁴ of Sedulius and the De Laudibus Virginum⁵ of Aldhelm. "I do not know," writes Mr. Stevenson, "another case of such adaptation of literary works, but this is, I think, not necessarily fatal to the charter. Both poets were extensively used in the tenth century, and the working up of matter derived from religious poets is not a very great step from the common practice of paraphrasing biblical passages." It is hardly likely that a proem of this very peculiar type would be composed by a forger in a Norman monastery, though he might just conceivably have taken it from some genuine old English charter. On the whole, then, it seems to furnish an argument rather for than against the authenticity of Edgar's grant.

The evidence of the forms in which the names of the places granted are given tends the same way and rather more decisively. "The forms Hodeshlid and Ceofanlea," writes Dr. Bradley, "are absolutely correct for the assigned date, and afford some presumption that the charter is either genuine or modelled on a genuine document of the tenth century. I am not sure about the latinisation Leiacestria, but if it be inadmissible for 958,⁶ it may be due to the late transcriber. 'E'Astoſt for East(t)un looks as if the scribe had written his own

¹ Page xix.

² Eng. Hist. Rev. xxix. 702.

⁴ i. 61, 62.

³ Cf. Birch, No. 1119.

⁵ Ed. Giles, p. 186.

⁶ Mr. Stevenson tells me that it is a post-Conquest spelling.

contemporary form, and then partly corrected it from his original. Bearwe or Barwe would be the form of the present Barrow in the tenth century; Barue may have been substituted by a scribe who did not use the O.E. form of 'w.' Huptun looks late. Huntingdun is quite correct, but does not (like Ceofanlea and Hodeshlid) *prove* the antiquity of its documentary source. So far as the evidence before one is concerned, there is no reason why the charter may not be a copy of a genuine document, with two or three modernisms of spelling due to the transcriber."

The omission of the witnesses is in accordance with the general practice of the compiler of the chartulary and no argument against the authenticity of the charter can be founded upon it.

The date to which the charter is assigned is in its favour. In the second half of 957 Mercia and Northumbria revolted against Edwy, and chose his brother Edgar, then a boy of thirteen, as their king.¹ On the death of Edwy in October 959 Edgar became king of all England. Only eight charters in all survive which were granted by him in the two years of his restricted rule, which makes it difficult to formulate any rules about the usages of his scriptorium, but a forger might have been expected to attribute his fabrication to the period of Edgar's full power rather than to this short episode. Ælfhere, the ealdorman of Mercia, who was apparently the active head of the party which created the schism in the realm, was perhaps interested in the chief church of one of the most important towns of his province, and may have procured the grant in its favour from the young king.

There is then a great deal of cumulative evidence for the genuineness of the charter. It is true that the authenticity of Anglo-Saxon charters which have not come down to us in contemporary hands cannot be definitely proved, if there is a possibility of fabrication, for an expert forger may have borrowed so much from a genuine charter and been so careful not to betray himself in his additions that detection becomes impossible. But in the case of Edgar's charter there seems to have been no motive for a forgery. Moreover, though we have it only in a late transcript, it contains two words at least which preserve contemporary forms that were possibly obsolete a century later.² It may be urged that a forger might have taken the forms Hodeshlid and Ceofanlea from a tenth century charter of different import, but as the two places were widely apart and their only close historical connection was their common inclusion in the estates of St. Werburgh, it must have been a charter to that church, and the supposition is therefore too improbable to deserve further discussion.

¹ *A.-S.C. s.a.*; Oman, *England before the Norman Conquest*, 540.

² In *Domesday Book* (i. 263) Hodeshlid has become Odeslei, and Ceofanlea is spelt Cavelea. It is not safe, however, to lay too much stress on the forms adopted by its Norman scribes.

We seem to be justified then in entertaining a confident opinion of the authenticity of the charter, though absolute proof is not within our reach.

The inclusion in the grant of Upton and Barrow presents difficulties which are dealt with in the Introduction.¹

2. *Inspeximus* by Edward I. of an *inspeximus* by Henry III. of a charter of Earl Ranulf (III.) to the citizens of Chester, only the salutation clause and formula of grant of which have been entered. June 12, 1300.

Rex [Edwardus] archiepiscopis, etc. salutem. Inspeximus cartam confirmationis quam celebris memorie dominus H[enricus] quondam rex Anglie, pater noster, fecit ciuibus Cestrie in hec verba. H[enricus] rex Anglie, dominus Hibernie, dux Normannie, comes Andegauię archiepiscopis, episcopis, abbatibus, prioribus, comitibus, baronibus, iusticiariis, vicecomitibus, prepositis, ministris, et omnibus balliuis et fidelibus suis, salutem. Inspeximus cartam Ranulfi quondam comitis Cestrie in hec verba: Ranulfus comes Cestrie constabulario, dapifero, iusticiariis, balliuis et omnibus fidelibus et omnibus hominibus suis, Francis et Anglis, tam futuris quam presentibus, salutem. Notum sit vobis omnibus me dedisse et concessisse et presenti carta mea . . .

Earl Ranulf III.'s charter of 1200-08 is printed by Canon Morris (*Chester in the Plantagenet and Tudor Reigns*, p. 483). For Henry III.'s *inspeximus* of 1237 see *ibid.* p. 488, and for that of Edward I. *ibid.* p. 492. This fragmentary entry is in a different and later hand than the chartulary, but not in the same hand as the other addition at the beginning of the MS., the charter of Edgar (No. 1).² Curiously enough, a second attempt was made to transcribe Edward's charter among the additional entries at the end of the MS., but this also was not carried beyond the preamble.

3. Charter of confirmation by Earl Hugh I. and his barons of their gifts to the new abbey of St. Werburgh in 1093, the authority and example of the holy fathers of the church admonishing us to commemorate the benefactions of contemporaries for the benefit of posterity, increase of prayers for the souls of benefactors of holy Church, and provision of models for men tending heavenwards at the present day, reciting the introduction of monks into the church of St. Werburgh by Hugh and Countess Ermentrude with the consent of King William (II.), to pray for the

¹ See p. xviii.

² See p. xxxii.

souls of the king, etc., their grant of the former possessions of the church free and quit [of service, etc.] for ever with additions of their own, provision of accommodation for the monks and exemption of the abbey from the authority of any other, followed by an enumeration (1) of the estates of the canons transferred to the monks;¹ (2) of the gifts by the founders of demesne lands in Chester, Anglesey, Rhos (co. Denbigh), Wirral, Lincolnshire, and Derbyshire, the last named in part a reversionary interest after the death of the earl or his wife, of the tithe of their demesne manors Eaton, Frodsham, Weaverham, Leek, Rocester, Hawarden, Coleshill, Bistre, Upton, [Chipping] Campden, and Eastham, and the tithe of the fisheries of Frodsham, Rhuddlan, Anglesey, Eaton, and the Dee, with the church and tithe of Denford (Northants),² together with licence to their barons to give lands not exceeding roos. in annual value, and to their barons, knights, burgesses, and other free men to bequeath their bodies (for burial in the abbey) and a third of all their goods (*substantia*), Archbishop Anselm and many others attesting these grants; there follow the gifts of their barons and of the earl from baronial lands in his hands, the earl's grants of rights of fishery in Anglesey and of a three day's fair (June 20-22) at Chester, with its rents and issues and jurisdiction in the abbey court over offenders thereat and immunity for former offences during its continuance, and the charter concludes with a statement by the earl that all the above gifts were made by himself, his son Richard, Ermentrude the countess, and his barons, and men, free, etc., of all custom and of everything, retaining nothing but the prayers and benefits of the monks, so free and quit that none after them could add any liberty or quittance, followed by a note that when they confirmed this charter these immunities were reaffirmed with the sole reservation that should the abbot, swollen with pride, refuse to do justice to his neighbours, the earl should constrain him to do it, but only in the court of St. Werburgh, for it was their wish that she should have her jurisdiction in all things as the earl had his. In order that all these grants should stand firm for ever Earl Hugh and his barons have confirmed them in the presence of Archbishop Anselm, not only with the earl's

¹ See the Introduction, p. xix.

² See *infra*, p. 31.

seal but also with the seal of God Omnipotent; that is, the sign of the holy cross. ? 1096-1101.

From the survivor of the two *inspeximus* of the abbey charters made by Guncelin de Badlesmere justice of Chester, in 1280 (see No. 34), now in the library of St. George's Chapel, Windsor, MS. xi. E 5 (W),¹ collated with similar texts (1) in the chartulary (Ch.), without witnesses, and (2) Charter Roll 73, m. 11, No. 38 (C.R.), with the transcript from the other *inspeximus* of Badlesmere printed by Leycester (*Hist. Ant.* (1673), 109=Orm. i. 12 (L)), but in a form partly assimilated, it would seem,² to the peculiar text used by Dugdale (*Mon.*, ed. 1655, i. 200; ed. 1846, ii. 385 (D)), and with the incomplete recital in Eaton MS. 1 (E), the original "Great Charter" of Ranulf II. (No. 8).

³ Sanctorum prisca autoritate⁴ patrum qui in nomine Patris [f. 4 (1).] et Filii et Spiritus Sancti in sancta ecclesia regiminis gubernacula hactenus tenuerunt, quique suos adiutores sancteque ecclesie fundatores, sua nobis industria, suorumque scriptorum longa tradicionem cognitos reddiderunt, admoneri videmur ut ea que a temporaneis⁵ nostris in sancte ecclesie matris exaltatione facta sunt presentibus per nos manifestentur, posterisque dinoscenda, nobis scribentibus, reseruentur.

Nos igitur, maiorum imitantes exempla, iam quedam pietatis opera referamus que in Anglica terra gesta sunt a Hugone, Cestrensi comite, anno ab incarnatione Domini millesimo nonagesimo tercio, regnante potentissimo rege Willelmo, atque in archiepiscopatu Cantuariensi pontificante Anselmo, atque in Eboracensi pontificante Thoma.

Volumus uero⁶ ut religiosi atque fideles Christiani cognoscant quia iccirco⁷ nobis ista describere placuit ut qui ea relegerint uel audierint⁸ Deum⁹ supplicabiliore affectu pro sancte ecclesie fundatorum salute implorent, et ut presentes ad regna celestia tendentes etiam inter etatis huius primates quos¹⁰ sequantur inueniant.

Igitur ad honorem¹¹ et gloriam summe¹² et indiuidue Trinitatis atque incomprehensibilis Diuinitatis iam proferamus¹³

¹ In a few cases where W's reading of a place-name is clearly inferior to some other, it has been relegated to the notes. In this and the other early twelfth century charters "Ran(n)ulfus" and "Radulfus" have been substituted (from E) for the later "Ranulphus" and "Radulphus." The arrangement of this and the other longer charters in paragraphs is not in the MSS., but is adopted for convenience of reference.

² See p. 25.

³ E has the heading ✠ IN NOMINE PATRIS et filii et spiritus sancti, amen.

⁴ auctoritate E. ⁵ contemporaneis Shrewsb. ch. See pp. xxxviii. 27.

⁶ Om. C.R.

⁷ idcirco D, L.

⁹ dominum D, L.

¹¹ laudem E.

⁸ relegerent vel audirent L.

¹⁰ qui L.

¹² sancte L.

¹³ proferemus L.

que nos dicere spopondimus¹: Hugo comes Cestrensis atque Ermentrudis comitissa deuotioni religiose pia mente subditi, piissimaque Dei uisitatione inspirati, in quadam ecclesia que constructa est in honore² sancte Werburge virginis in ciuitate Cestrie monachos religiose viuentes posuerunt, concedente rege Willelmo, qui Deum³ assidue exorarent tam pro utilitate anime regis Willelmi, et Willelmi patris eius nobilissimi regis, et matris eius Matildis⁴ regine, fratrumque et sororum eius,⁵ atque regis Eadwardi,⁶ quam pro animarum suarum salute, et pro animabus patrum, et matrum, et antecessorum, heredumque,⁷ et parentum, et baronum suorum, omniumque Christianorum tam uiuorum quam defunctorum.

Huic uero ecclesie sancte Werburge Hugo supradictus comes et Ermentrudis⁸ comitissa possessiones priores liberas in perpetuum et quietas concesserunt, et de suis augmentauerunt, habitationique⁹ monachorum habilem¹⁰ reddiderunt, eamque abbatiam nulli omnino abbacie subditam fecerunt. Postea in ea monachos et abbatem, Deo donante,¹¹ et supradicto rege Willelmo concedente, constituerunt. Hanc etiam et quicquid ad eam pertinet abbati et monachis dederunt: uidelicet Ynes,¹² Salhtonam,¹³ Suttonam,¹⁴ Cheueleyam,¹⁵ Huntinthonam,¹⁶ Bocthonam,¹⁷ Weruenam,¹⁸ Croctonam,¹⁹ Trochford,²⁰ Clifthonam,²¹ Estonam, Vysdeleth,²² Hodesleyam,²³ Weupram,²⁴ et dimidiam Rabi,²⁵ et terciam partem de Nestona,²⁶ et terciam partem de Salchale,²⁷ et dimidiam partem de Leche²⁸ et unam carucam²⁹ terre ad Pulford,³⁰ et terciam partem de Berewardesleya,³¹ et Edinchale,³² et Sotewica.³³

¹ spospondimus Ch., L.

² honorem L.

³ dominum D, L.

⁴ Mathildis D, E, Matill' C.R. D places matris eius after regine.

⁵ fratrumque et sororum eius E, Ch., L, fratrum et sororum eius D, fratrum et sororum eiusque W.

⁶ All but W read Edwardi.

⁷ D om. que et, C.R. que.

⁸ Ermentrude L.

⁹ habitationemque L.

¹⁰ abilem E.

¹¹ dante W.

¹² Yns uidelicet Ince Ch., Ince L.

¹³ Salthonam C.R., D, Saltonam E, Ch.

¹⁴ Sutthōnam D.

¹⁵ Cheueleiam D, L, Ceueleiam E.

¹⁶ Huntithonam D, Huntintonam L, Huntitonam E, Huntindonam Ch.

¹⁷ Boctonam Ch., Boghtonam L, Bostonam E.

¹⁸ Weuenam E, Weveresham D.

¹⁹ Croghtonam L, Crostonam E.

²⁰ Trochfort E.

²¹ Cliftonam Ch., L, Clistonam E. See No. 321.

²² Vuisdeleth E, Wisdeleth L, Wisdleth D, Wisdelech Ch.

²³ Ch. Hodesleiam E, D, L, Hodisleyam W.

²⁴ Weapram D, Wepram L.

²⁵ Rabbi E, D, Rabie L, Raby C.R.

²⁶ Nestuna E, Neston L, Westona D.

²⁷ Salhala E, Salghale L. At this point E, D, L insert: et terciam partem de Staneaia (Stanney L).

²⁸ Leech L.

²⁹ carucatam D.

³⁰ Pulforth E.

³¹ Berewardesleia D, Berwardesleya Ch., Burewardesleia E.

³² Hedinchale C.R.

³³ Sothwica Ch., Shotowicam L.

Insuper etiam ¹ dederunt huic ecclesie in ipsa ciuitate de suo dominio ² vicum a porta de North usque ad ecclesiam, et locum unius molendini ad pontem ciuitatis, et duo maneria in Angliis, ³ unum autem in Ros, unum in Wirhalle, ⁴ Erberiam, ⁵ et in Lindesey ⁶ terram decem boum, et post obitum comitis uel comitisse Westonam cum appendiciis suis in Derbesiria, ⁷ et ad presens decimam ipsius manerii, et ecclesiam de Estona et terram duarum carucarum, ^{7a} et rectam decimam non solum de annona uerum etiam de pullis et vitulis, de porcis et agnis, de butiro et caseo, et de omnibus rebus de quibus debeat decima ⁸ dari in hiis meis ⁹ maneriis, scilicet Etthona, ¹⁰ Frodesham, Weueresham, ¹¹ Lech, Roecestra, ¹² Haurdina, ¹³ Coleshul, ¹⁴ Bissopestred, ¹⁵ Uppetuna, ¹⁶ Campedena, ¹⁷ Esteham, ¹⁸ et rectam decimam piscatoriarum ¹⁹ de Frodesham, de Rodelent, ²⁰ de Anglesheya, ²¹ non solum de dominio ²² suo, sed etiam de nauibus ibi, et in omnibus aquis suis piscantibus, et decimam de piscatoria Etthone, ²³ et de omni pisce qui accipitur in De, ²⁴ et unum batellum ab omni re liberum. Adhuc uero dederunt ecclesiam et terram ecclesie, et decimam de molendinis et de omnibus rebus que decimari debent in Denefordia. ²⁵

Quin etiam baronibus suis principalibus concesserunt ut unusquisque daret prefate abbacie centum solidatas terre, alii autem secundum suum ²⁶ posse et uelle. Insuper constituerunt ²⁷ ut singuli barones et milites darent Deo et sancte Werburge post obitum suum sua corpora et terciam partem tocus substantie sue, et non solum hec constituerunt de baronibus et militibus, sed etiam de burgensibus et aliis hominibus liberis suis. ²⁸ Teste Anselmo archiepiscopo, ²⁹ Herueio episcopo, ³⁰ Baldwino ³¹ monacho,

¹ Om. D.² dominico D, L.³ Anglesi Ch., D.⁴ Wirhalē W, Ch.⁵ Erbeiam, L, Irreby W.⁶ Lindesei E, Lindsei D, Lyndesey C.R., Lindeseya Ch.⁷ Derbesira Ch., D, Derbyshira L. From this point onwards E has a different arrangement of the founder's gifts, with a briefer list of witnesses. See its text in No. 8, p. 55, and cf. p. 26.^{7a} unius carruce E.⁸ decima debeat L, debet decima Ch.⁹ Om. Ch.¹⁰ Etchona W, Eltona L.¹¹ Weverham L.¹² Rocestra W.¹³ Haridina W.¹⁴ Coleshul Ch., D, Colesul E, Choleshull C.R., W.¹⁵ Bishopstreet L.¹⁶ Uptuna L.¹⁷ Campedene E.¹⁸ Estham E, L, C.R.¹⁹ piscatoriam L.²⁰ Rodelant Ch., Rothelent C.R., Ruelent E.²¹ Anglesheia D, Angleseia L, Anglis' Ch.²² dominico L.²³ Etone E.²⁴ Dee Ch., L.²⁵ Danefort E.²⁶ suum om. L.²⁷ concesserunt L.²⁸ For the shorter form of these clauses in E see p. 27.²⁹ Teste Anselmo archiepiscopo. et aliis Ch.³⁰ Of Bangor.³¹ Balduino E.

[Eustachio monacho¹], Heldebaldo² monacho, Roberto³ filio Hugonis, Willelmo constabulario, Willelmo Malb[anc], Ranulfo⁴ dapifero, Hugone Normanni filio,⁵ Radulfo dapifero, Hugone filio Osberni,⁶ Hammone de Maci,⁷ Gilberto⁸ de Venables, Ricardo de Vernon,⁹ Ricardo de Rullos, Bigod de¹⁰ Loges,¹¹ Ricardo filio Nigelli,¹² Roberto filio Serli,¹³ Ranulfo venatore, Erneiso venatore,¹⁴ aliisque quamplurimis.

Willelmus Malb[anc]¹⁵ dedit huic¹⁶ abbacie sancte Werburge Witebiam¹⁷ et terciam¹⁸ partem Weupre,¹⁹ et ecclesiam et decimam de Tatenhala,²⁰ et unam salinam in Wicho,²¹ et terram duobus bobus, et decimam de Salchale,²² et de Claitona²³ et de Yraduc. Teste comitissa,²⁴ Ricardo Banaste,²⁵ Hugone Osberni²⁶ filio, Bigod de²⁷ Loges,²⁸ Ricardo pincerna,²⁹ et Sirardo.³⁰

Robertus filius Hugonis dedit³¹ capellam Cristentune,³² et terram capelle, et terram cuiusdam rustici, ipsumque rusticum, et quoddam³³ molendinum, terramque ipsius molendini, et chotam³⁴ Ordrici, ipsumque Ordricum, et quendam campum iunctum huic chote,³⁵ et Cryu,³⁶ et quandam salinam in Fullewich,³⁷ et duas mansuras³⁸ in ciuitate, et paululum terre iuxta Bochtunestan.³⁹ Hoc donum concessit Hugo comes. Teste Willelmi Nigelli filio et fratre eius Ricardo, Ranulfo dapifero, Bigod, Hamone de Maci,⁴⁰ Hugone Osberni⁴¹ filio, Hugone

¹ Om. W, E; inserted by D, L (who puts after Heldebald) and Harl. MS. 2060, f. 65*d* (a copy of E, with the omitted witnesses interlined later, probably by Randle Holme).

² Hildebrando Harl. 2060.

⁴ Rannulfo E (*passim*).

⁶ Osberti E. After this E insert Ricardo Banastro.

⁷ Hamane de Maceio E.

⁹ Vernun W (*passim*).

¹² E om. this witness.

¹³ fratre Serloni Harl. 2060. ? Robertus filius Serlonis of Caldý (see *infra*, p. 19).

E omits.

¹⁴ Om. E.

¹⁷ Witeberiam E.

²⁰ Tatinhala W.

²¹ Wic Ch., Wich, D, L.

This gift omitted by E which inserts a like grant by Hugh Malbank among the grants of Earl Richard's time (p. 57) and gives its witnesses.

²² Salhale Ch.

²⁵ Banastre C.R.

²⁸ Logis C.R., Hoge D.

³⁰ E, C.R.; Suardo, W, D, L; W. om. et.

³¹ Om. E in this and following entries.

³³ quendam W, Ch.

³⁶ Cryn D, L, Oryn C.R.

³⁷ Fulewic E, Fulwic Ch., Fulewich D, L.

³⁹ Bochtunestoñ C.R., Botechetunestan D, L.

⁴⁰ Hammone de Maceio E.

³ Rodberto E (*passim*).

⁵ E om. this witness.

⁸ Gilleberto E.

¹¹ Logis C.R.

¹⁰ des E.

¹⁵ Malbeench E.

¹⁶ dicte Ch.

¹⁸ quartam Ch.

¹⁹ Wepre L.

²³ Claituna E.

²⁶ Osberti E.

²⁹ pincernario E.

³² de Christleton L.

³⁵ cote E.

³⁸ masuras E.

⁴¹ Osberti E.

Normanni filio, Fulcone de Baiunuilla,¹ Unfrido de Costentin,² Willelmo de Berneres, Acardo, multisque aliis.

Hugo filius Normanni et Radulfus frater eius dederunt partem suam de Lostoch,³ et ecclesiam de Cotintuna,⁴ et terram ecclesie,⁵ et decimam illius ville, et de Lay similiter.⁵ Teste Willelmo Malbanc, multisque aliis.

Ricardus de Vernon dedit decimam Estone et Pichetone.

Ricardus de Rullos dedit ecclesiam et decimam Wauertone,⁶ et Hetone,⁷ et Clotone, et molendini Clotone.

Billeheld⁸ uxor Baldrici dedit Pecfortunam. Teste Normanno de Arrecio, multisque aliis.

Radulfus uenator dedit terram trium carucarum in Brochetuna.

Hugo⁹ de Mara dedit Reddecliuam,¹⁰ concedente comite. Teste comitissa, Willelmo Nigelli filio,¹¹ Ranulfo dapifero, Gilberto Venables, multisque aliis.

¹² Hugo comes, dum habuit in suo dominio Calders, dedit inde decimam de omnibus que decimari debent¹³; quod etiam concessit et confirmauit Robertus filius Serlonis quando villa data est ei.

Item comes Hugo, quando habuit in suo dominio Stortonam et Grauesberi,¹⁴ dedit inde decimam de omnibus que decimari debent, sicut antea dederat in suis propriis maneriis, que omnia confirmauit Nigellus de Burceio veniens in hereditatem, augens etiam ex sua parte terram octo bobus in Grauesberi. Teste Ranulfo et Garacino fratre eius, multisque aliis.¹⁵

¹⁶ Radulfus Ermewini¹⁷ filius et uxor eius Claricia dederunt terram ad octo boues in Wodechirche,¹⁸ et decimam de Berlestona¹⁹ in Wirhale²⁰ et de Weruelestona²¹ in Wicesfeld²² de equabus²³

¹ Bavinvilla W. ² Costentin W; no further witnesses given in E.

³ Lostocke L, Lostok' C.R.

⁴ Cotintuna E, Codinton Ch.

⁵ et decimam et de Lay E.

⁶ Wauertone E, Ch.

⁷ Hettonae D, Heitone Ch., Hottone E, Hotone L, C.R.

⁸ Item Billeheld D, L.

⁹ Item Hugo D.

¹⁰ Radecliuiam W, C.R.

¹¹ E om. the next two witnesses; C.R. inserts de before Venables.

¹² Item D, L. E omits this entry.

¹³ L imports sicut antea dederat from the next entry.

¹⁴ Ch. (D.B Grauesberie); Grauesbiri, W (second case), D, Grauesbyri E Grauisby W (first case).

¹⁵ E shortens this entry but gives more names of witnesses: Nigellus de Burceio [dedit] decimam de Stortuna et de Grauesbyri et quartam partem de Grauesbyri tam de luco quam de plano. Teste Garatin fratre eius, Ricardo de Rullos, Willelmo filio Huberti, Gisleberto de Blayne.

¹⁶ Item, D, L.

¹⁷ Ermuini E.

¹⁸ Wudechurch[e], D, L, Odecerce E.

¹⁹ Berlistona W.

²⁰ Wirall' Ch.

²¹ Uerulestane E.

²² E (pron. Wishesfeld); Wychesfeld Ch., Wishesfeld D, Wysesfeld L, Wishesfeld W, Wysthefeld C.R.

²³ et de equabus suis E.

omnibus ubicunque sunt, et de omnibus que decimari possint. Teste Godefrido mercatore,¹ Roberto Anglico, Fulberto, multisque aliis.

² Robertus de Tremonz³ dedit Tideluestan.⁴ Teste Ranulfo fratre suo, Roberto dapifero, Ricardo de Briceio.⁵

Wacelinus⁶ nepos Walteri de Vernon dedit quendam⁷ agricolam, et terram iiii^{or} boum in Nessa, et decimam de omnibus rebus suis que decimari possint⁸ in Prestona, in Leuedesham,⁹ et terciam partem tocius substantie sue et uxoris eius. Teste Gilberto,¹⁰ multisque aliis.

¹¹ Scirard¹² dedit capellam de Bebinton,¹³ et terram quatuor boum, et decimam illius manerii, et decimam de Bromhale, et de Waley,¹⁴ et de Maynes, et de Westona,¹⁵ et de Wilne,¹⁶ et post obitum suum¹⁷ omnem¹⁸ substantie sue et sue mulieris¹⁹ terciam partem²⁰ de Cestresiria,²¹ et de Maynes.²² Teste Willelmo constabulario,²³ Hugone Osberni²⁴ filio, et Wimundo²⁵ de Col.

²⁶ Gilbertus de Venables dedit Deo et sancte Werburge ecclesiam de Esteburi²⁷ cum medietate bosci et plani et omnium que pertinent ad Neobold.²⁸

²⁹ Galfridus de Sartes dedit decimam suam in Wichtrichestona.³⁰ Teste Willelmo filio Gud, et ipso domino suo, Willelmo Malbanc.

Ricardus de Mesnilwarin³¹ dedit decimam de Blachenot,³² de annona, de piscaria,³³ et de omnibus de quibus decima debet dari. Teste Rogero fratre suo et Ranulfo³⁴ Beurello,³⁵ et Ranulfo de Walbruno.³⁶

¹ E substitutes Nigello for the next two witnesses.

² Item D, L.

³ E, Ch.; Tremons W, Tremouz C.R., Fremouz D, L.

⁴ Tidiluestan Ch, Fideluestan D, L, Tadeluestan C.R.

⁵ E omits this witness.

⁶ Wascelenus E, Walcelinus D.

⁷ quandam D.

⁸ possunt C.R.

⁹ in L^m. om. E.

¹⁰ Gisleberto E, which adds Wulmaro archidiacono and omits the last two words.

¹¹ Item D.

¹² W, Ch, C.R.; Sirard E, Seward D, L.

¹³ Bevintone D, Bedintone E.

¹⁴ Walei D, L, Waleie E.

¹⁵ Westone E.

¹⁶ Willne D, L, Wilna Ch., Wille E.

¹⁷ suum om. E.

¹⁸ E, W, C.R.; omne Ch., omnis D, L.

¹⁹ uxoris E.

²⁰ terciam partem om. E.

²¹ Cestresyra E, Cestrasiria C.R., Cestrasira Ch., Cestursira D, L.

²² Mannis E.

²³ Conestabulario E.

²⁴ Osberti E.

²⁵ Reymundo C.R.

²⁶ Item D, L. E. omits this entry and the next.

²⁷ Estburi D, Astbury L.

²⁸ Ch, D; Neobald W, Neubold L.

²⁹ Item Gaufridus D.

³⁰ Withtrichestun D, Withtricheston L, Wythticheston C.R., Witrecheston Ch.

³¹ E; Mesnilwaren W, D, L, Meslinwarin Ch.

³² Blachenoth E.

³³ piscatoria E.

³⁴ Rannulfo de E.

³⁵ Bruello D. L.

³⁶ Walebruno E, which then inserts: Rannulfus filius Gocelini concessit decimam suam, sicut pater eius dedit eam.

Robertus Pultrel¹ dedit terram unius caruce ad² Macclesfeld.³ Teste Walerano⁴ de Baro, et Nigello de Rapentune,⁵ et multis aliis.

⁶ Walterius de Vernon⁷ dedit decimam equarum suarum.

Comes dedit nauim unam cum decem retibus ad piscandum in Angliis in perpetuum liberam et quietam. Teste Comitissa, Willelmo pincerna, Hugone camerario.⁸

Item ad festum sancte Werburge in estate dedit comes Hugo theloneum,⁹ omnesque redditus et exitus nundinarum trium dierum,¹⁰ precipiens ut si aliquis forisfecerit in nundinis, omnia pertractentur in curia sancte Werburge ad opus monachorum. Concessit etiam ad honorem virginis ut siue latro siue aliquis malefactor venerit ad solemnitatem, habeat firmam pacem dum fuerit in nundinis, nisi forte in illis aliquid forisfecerit.

Hec sunt itaque dona data abbacie sancte Werburge, que omnia ego comes Hugo et Ricardus filius meus et Ermentrudis¹¹ comitissa et mei barones et mei homines dedimus abbacie sancte Werburge, et concessimus ut hec omnia predicta et abbacia et omnia ad eam pertinentia essent libera et pacata et queta ab omni consuetudine et ab omni re, nichil retinentes in hiis omnibus nisi orationes et beneficia monachorum in hoc loco commanentium; et tam liberum et quietum honorem sancte Werburge dedimus et constituimus, pro salute anime regis Willelmi et omnium nostrorum, ut nullus¹² post nos aliquid libertatis uel quietis addere possit. Et quando nos hanc cartam confirmauimus, nullum opus, nullum seruicium, nullam consuetudinem, nullam omnino rem preter orationem in terra sancte Werburge retinuimus preter hoc solum quod si abbas huius loci superbia inflatus nollet facere rectum vicinis suis, comes constringeret eum ad rectum faciendum, et hoc in curia sancte Werburge, quia¹³ volumus ut sancta Werburga habeat per omnia curiam suam, sicut et¹⁴ comes suam.

Et ut hec omnia essent rata¹⁵ et stabilia inperpetuum, ego comes Hugo et mei barones confirmauimus ista omnia coram

¹ Putrel E.

² Ch.; a E, C.R., in W, apud D, L.

³ Maclesfeld E, Masclesfeld Ch., D, L, Maschesfeld C, R.

⁴ Waleramo, C.R.

⁵ Repentone L. E omits this witness.

⁶ Item D (and in next line).

⁷ Vernun W.

⁸ Witnesses om. E.

⁹ theoloneum D, L.

¹⁰ E shortens this sentence to: Ad festum sancte Werburge in estate concessit feiriam trium dierum, subjoins the witnesses which it omits in the previous grant, adding Willelmo Malbeenc and Ricardo Banastro, and, omitting the rest of the charter as given above, passes on to the Testimonium Anselmi (No. 4).

¹¹ Ermintrudis D.

¹² ullus W.

¹³ Ideoque L.

¹⁴ et om. D, L.

¹⁵ Rata essent L.

Anselmo archiepiscopo, non solum sigillo meo, sed etiam sigillo Dei omnipotentis, id est signo sancte crucis ✠: ita quod singuli nostrum propria manu in testimonium posteris signum in modum crucis facerent.¹ ✠ Signum Heruei² episcopi. ✠ Signum Ranulfi nepotis comitis. ✠ Signum Rogeri Bigod. ✠ Signum Alani de Percey. ✠ Signum Willelmi constabularii. ✠ Signum Ranulfi dapiferi. ✠ Signum Willelmi Malb[anc].³ ✠ Signum Roberti filii Hugonis. ✠ Signum Hugonis filii Normanni. ✠ Signum Hamonis de Masci.⁴ ✠ Signum⁵ Bigod⁶ de Loges.

This remarkable document, though abnormal and almost unique in form, has been accepted without question by the Cheshire historians, and by the editors of the *Monasticon* (1817)⁷ in their short history of the abbey, as the actual charter of its foundation during Anselm's memorable visit to Chester in 1093.⁸ Its authenticity has not, however, remained undisputed. Even in the *Monasticon* a doubt is suggested in the cautious heading prefixed to the "charter."⁹ Sir T. D. Hardy noted in 1856 that it was "thought to be spurious,"¹⁰ and three years later it was denounced by Dr. John Robson¹¹ as a fabrication of the monks from the recital of the gifts of the founder and his barons contained in the charter claiming to be a general confirmation by Earl Ranulf II. of earlier grants, which is preserved at Eaton Hall.¹²

The general considerations which throw some doubt on the genuineness of *Sanctorum prisca* and other early Chester charters have been discussed in the Introduction,¹³ where a tentative suggestion is offered with regard to their origin. A more detailed examination of the alleged foundation charter will be attempted here.

The charter comprises (1) a sort of *notitia* of the foundation and endowment of the house, perhaps originally composed as a *historia foundationis*, including (a) an exordium which may have been influenced by the preambles common in Anglo-Saxon¹⁴ and Norman¹⁵ charters—a reminder that the commemoration of benefactors of the church by

¹ Dugdale by attaching the cross which follows to this sentence has given a false impression that the crosses follow instead of preceding the names and has left the last name without one. They are correctly printed by Leycester.

² Herueij W.

³ D; Malbedeng L (probably from D. B. i. 265).

⁴ Massy L.

⁵ Signum misplaced in D.

⁶ Roberti L, who notes that others read Bigod and refers to Dugdale's first edition.

⁷ ii. 371.

⁸ More probably 1092. See above, p. xxiii.

⁹ ii. 385.

¹⁰ Le Neve, *Fasti Ecclesiae Anglicanae*, i. 96.

¹¹ *Trans. Hist. Soc. (O.S.)* xi. 187 sqq.

¹² No. 8 below.

¹³ Page xxxv.

¹⁴ Cf. Birch, *Cartularium Saxonicum*, iii., Nos. 957, 1001, 1033, 1118, 1147, 1197, 1199, 1319.

¹⁵ E.g. Dugd. *Mon.* vii. 1073; Haskins, *Norman Institutions*, 254.

the holy fathers of old was worthy of imitation in later ages ; (b) a brief narrative of the foundation by Earl Hugh and Countess Ermentrude ; (c) their grant of the former possessions of the canons of St. Werburgh, free and quit (of custom), with additions including the tithes of many of their demesne manors, and licence to their barons and others to give a limited amount of land and goods to the new abbey, followed by a list of witnesses headed by Anselm ; (d) the grants of the barons, etc., of the earldom (including two gifts of Earl Hugh from lands in escheat or wardship), in most cases with the names of witnesses ; (e) the earl's grant of fishing rights in Anglesey and a fair at Chester : (2) a statement by Earl Hugh that these were the gifts which he and his son Richard and his wife Ermentrude and his barons and men had given to the abbey, and that they were given free of all custom : (3) a fuller definition of the abbey immunity (with special reference to its exempt jurisdiction), said to have been made "*quando nos hanc cartam confirmauimus*" : (4) a general confirmation of the preceding by Hugh and his barons, in the presence of Archbishop Anselm, by the earl's seal and his and their *signa*.

No very close scrutiny is needed to show that this is not a foundation charter of 1092 or 1093. The description of Anselm throughout as archbishop, whereas he was still only abbot of Bec when at Chester, might indeed be due to later interpolation, but the inclusion among the signatories of Richard, the founder's son, is fatal to so early a date, since he was not born until 1094.¹ It is also very improbable that Denford, in Northamptonshire, the church of which Hugh gave to the abbey, was in his hands before 1095.² In any case, it is exceedingly unlikely that the baronial grants recited were all made at the time of the foundation, and the earl's gifts of the tithes of Caldy, Storeton, and Greasby are expressly stated to have been confirmed later by the grantee in the first instance and the heir in the others. Section 1e seems by its position not to have formed part of the original endowment. That endowment would appear to be represented by the earl's gifts recited in section 1c, with an imposing list of witnesses headed by Anselm. It was accompanied, if Anselm's record³ of what took place be genuine, by a grant of immunities, including a court for the men of the abbey parallel with that of the earl, which are only faintly indicated in that recital, but appear more fully in sections 2 and 3, where the court of St. Werburgh is introduced in a curiously indirect way in connection with a power reserved by the earl, when he confirmed "this charter," to correct defaults of justice by the abbot.

If *Sanctorum prisca* in its full form then be a genuine charter of Earl Hugh, it can only be one of confirmation of all gifts made down

¹ He was seven years old at the time of his father's death in July 1101 (*Ann. Cestr.* (Rec. Soc.) 16). Cf. *Chron. Mon. Abingdon* (R.S.), ii. 68-9.

² Page 31.

³ No. 4, p. 38.

to some date towards the close of his life, the confirmation being appended awkwardly enough to a narrative of the foundation and endowments furnished by the monastery. Sections 2-4 in themselves would be perfectly consistent with this view,¹ were it not for the statement that the confirmation was made "*coram Anselmo archiepiscopo*." Taken together with the definite date in section 1b, this would appear to mean that the confirmation is supposed to have taken place in 1093, and in this sense it has been generally understood. As so early a date is quite impossible, the credit of the charter can only be saved by supposing either (a) that the words in question are a later interpolation, or (b) that the confirmation took place during an unrecorded visit of Anselm to Chester between 1093 and Earl Hugh's death in 1101. Both suppositions put some strain on our belief. However this may be, the list of signatories is consistent with such a date, and the inclusion of two great tenants of the earl outside Cheshire, Alan de Percy and Roger Bigod, does not agree well with the supposition that the confirmation was an invention of the monks. If it be genuine, its date would fall between 1096, when Alan de Percy succeeded his father William, and Hugh's death five years later.

Suspicion is at first revived by finding Wacelin, nephew of Walter de Vernon, recorded as making grants in manors which in 1086 had belonged to his uncle, who survived Earl Hugh. But subinfeudation may supply a perfectly natural explanation.^{1a} Certainly all the other gifts confirmed seem to be genuine grants of Hugh's time, and the accidental retention in the recital of his gift of tithes of the "*meis maneriis*" of the original inspires some confidence in the details of the charter.

Dr. Robson's contention that this charter, together with those attributed to Earls Richard and Ranulf I., is a late twelfth century fabrication from the Eaton Hall charter has already been found to be open to fatal objections.² One of these objections requires fuller treatment here. Among the manors formerly belonging to the canons of St. Werburgh and confirmed by Earl Hugh to the monks the Eaton charter includes "*terciam partem de Staneaia*."³ This may represent the "fifth acre in Stanney" which the earl had abstracted from the canons before 1086 and had not restored when the Domesday inquest was taken.⁴ Before 1184, indeed, the abbey had regained or acquired land in Stanney;⁵ but, with the exception of a mill, there is nothing to show when this was effected. For nearly two centuries at any rate it is not known to have made any claim that the land in question was

¹ The inclusion of the child Richard as a donor with his father and mother is however perhaps suspicious.

^{1a} For a Walter, son of Wacelin, see Orm. i. 690, note *e*.

² Page xli.

³ Page 54.

⁴ D.B. i. 264a.

⁵ Nos. 321, 448.

restored by the founder, except in the shorter version of *Sanctorum prisca* found in the Eaton charter. There is no mention of Stanney in the full version given in Badlesmere's *inspeximus* of 1280 preserved at Windsor, in the royal *inspeximus* of 1285, and in the later chartulary. The compiler of the last named in a note on the Eaton charter states expressly that the third of Stanney was not included in that of Earl Hugh; and offers as alternative explanations of this omission, negligence or later donation.¹

Sir Peter Leycester, it is true, printed in 1673 as a transcript of the Badlesmere *inspeximus* a copy of the full version which contains the Stanney passage, and which in this respect and in a number of careless mis-spellings, especially of proper names, and in other readings, agrees with Dugdale's copy published nearly twenty years earlier from what is described vaguely as the original (*ex ipso autographo*). The latter copy, however, is without Badlesmere's preamble. As Leycester's transcript of the *inspeximus* bears a date more than a fortnight later than that of the Windsor original and Badlesmere is known to have sealed two copies, one fuller than the other,² it is possible, though it would be strange, that his second copy included the Stanney passage. If it did, we may be sure that his scribe was using a version of the official document which had had the passage interpolated from the Eaton charter. No such version, however, was known to the compiler of the chartulary more than thirty years later, and the mis-spellings common to Dugdale and Leycester's copies³ seem incredible in an *inspeximus* of 1280.

It appears more than unlikely then that the peculiarities common to Dugdale's and Leycester's copies were independently transcribed from Badlesmere's record. How are they to be explained? As Leycester certainly did not copy Dugdale word for word, and doubtless had either the *inspeximus* or a transcript of it before him, two possibilities suggest themselves: either they both followed a late and careless copy of the *inspeximus* which had the Stanney passage interpolated, Dugdale omitting Badlesmere's record of inspection, or Leycester must have more or less assimilated his transcript of the original to his predecessor's copy of the charter, which in that case need not be supposed to have been taken from Badlesmere's *inspeximus* and may owe its mis-spellings to Dugdale or his copyist. So far as these are concerned, the second alternative would not very seriously

¹ Page 60.

² Page 85.

³ Both have Fremonz for Tremonz, Fideluestan for Tideluestan, Seward for Scirard, Bruello for Beurello, Cestursira for Cestrasira, Willne for Wilne, Botechetunestan for Bochtunestan, as well as dominico for dominio and theoloneum for theloneum; both extend dm as dominum instead of deum; both read omnis instead of omnem in Scirard's bequest, and *apud* Masclesfeld where the MSS. have a, ad or in; both insert among the witnesses of Earl Hugh's grants a monk Eustace who does not appear in the early MSS., and both prefix Item to several baronial grants where it seems to have no manuscript authority.

impair Leycester's reputation for accuracy as a transcriber, since he constantly modernises the forms of place-names given in charters and clearly had no standard in such matters. An interpolation of the Stanney entry from Dugdale would be, however, a much graver offence, judged by modern rules, and one hesitates to make the accusation even hypothetically. Yet it is very unlikely, as we have seen, that Badlesmere set his seal to two copies of a charter which differed in so important a point, to say nothing of the others that have been noted, and the supposition that Dugdale and Leycester followed independently a bad copy of the *inspeximus* remains a mere hypothesis. The fact that Leycester refers once to Dugdale's printed copy for a difference of reading may be held to exclude the possibility of his having adopted Dugdale's readings elsewhere without acknowledgement. But this was a case of sharp divergence as to the Christian name of a witness, while even the silent insertion from Dugdale of the Stanney entry might have seemed to him merely a matter of supplying an accidental omission in the *inspeximus*. The reference shows that he had Dugdale's copy before him at some stage, and on the whole we are inclined to think it probable that he used it either to help him with the transcription of a document of considerable length, which perhaps he found difficult in places, or subsequently to settle readings which his transcript left doubtful.

Leycester's copy of *Sanctorum prisca* being too suspicious to prove the official inclusion of the Stanney passage in the full text of the charter even as early as 1280, there remains only the so-called "original" of Dugdale, no trace of which has been found, and which was almost certainly an interpolated copy of the fourteenth century or later.

The fact that the shorter version of *Sanctorum prisca* in the Eaton Hall charter was for so long the only one which contained the Stanney grant throws grave doubt on Dr. Robson's theory that it was the nucleus of the full charter ascribed to the founder. It is not likely that in making up a foundation charter a twelfth century monk would have omitted anything that was attributed to Earl Hugh under the seal of his great nephew.

Further evidence of the priority of the full text in the narrative section which it has in common with the Eaton charter seems to be supplied by the passage where the two differ so widely in order, and even in substance, that ordinary collation ceases to be possible.¹ The order of the full text seems to be the more natural one, and a close comparison suggests that the scribe of the Eaton charter dislocated this order and broke up the account of the gift of Weston-upon-Trent into two widely separated entries in order to supply the fuller details of the circumstances in which the gift was made, which are no doubt as authentic as they are interesting. He has also

¹ See pp. 17-18 and p. 55.

abbreviated so severely the earl's licence to his men to make grants of land and goods to the monastery as to suggest that the former as well as the latter were to be in every case *post obit* gifts. His list of witnesses omits six names, though it adds one. The general impression that the narrative in the complete *Sanctorum prisca* represents an older and somewhat fuller version, from which the Eaton recital has been derived with some addition and shortening, is strengthened by the omission in the latter of the earl's grant of the Caldý tithes, of baronial gifts at Astbury and Wightreston, and of several witnesses to baronial grants, as well as by the dropping of the words "*terciam partem*" in Scirard's bequest, which makes nonsense of the passage.

The suggestion made by Dr. Robson that the charter of Earl Hugh was constructed from the Eaton recital by the addition of confirmatory clauses and other slighter changes thus breaks down. On the other hand, the peculiarities of the recital show clearly that the narrative part of the charter was not its sole source. It might be thought that the former represents a revision of the latter in the light of original records or registers, but though this would afford a possible explanation of the Stanney entry, it leaves the omission of three grants unaccounted for. Some variations in statement, not important but not merely verbal, and the different selection of witnesses appended to certain grants rather tend to support a suggestion already made, that the Eaton recital, not only of the gifts of the founder's time but of those of Earl Richard and Ranulf I., was taken not from the charters but from a common source, in some respects fuller than either, a *historia* of the foundation and endowment of the abbey which itself may have existed in more than one recension.

Attention has been drawn in the Introduction¹ to the remarkable parallelism between Earl Hugh's charter and a charter of Henry I. confirming the possessions of Shrewsbury abbey. Both have the *Sanctorum prisca* preamble; both relate the foundation of their abbey in much the same terms. Even more striking is the intimate relation of sections 2 and 3 of the Chester charter to portions of the grant of liberties by Earl Hugh of Shrewsbury which is recited at length in Henry I.'s confirmation. As this part of the Shrewsbury charter has never been printed we give its wording for comparison:

... Et ideo constituo hanc abbatiam et omnia ad eam pertinentia ab omni consuetudine huius terre quam ego possum condonare esse liberum in perpetuum et pacatam et quietam. Et hoc sciant omnes mei fideles quia nihil retineo in honore sanctorum apostolorum Petri et Pauli nisi orationes et beneficium monachorum in hoc loco manentium. Et tam liberum hunc honorem hodie constituo ut nullus sit qui post me aliquid libertatis vel quietis possit addere. Hoc tantum retineo quod si abbas huius loci superbia inflatus nollet facere rectum vicinis suis, ego vel heres meus post me ad rectum eum constringere (*sic*) faciendum.²

¹ Page xxxviii.

² *Chartulary of Shrewsbury*, No. 35.

It is clear that the two charters are not independent of each other, and the natural inference seems to be that the borrowers were the monks of Shrewsbury, which was in close touch with Chester in the Norman age.¹ In that case, we have proof of the existence of Earl Hugh of Chester's charter, not only before 1121-22 which is the date of the Shrewsbury charter deduced from its witnesses, but before the death of Earl Hugh of Shrewsbury in 1098, assuming that his grant of liberties was faithfully reported. Apart from this, the earliest evidence of its existence² is contained in a charter³ of William de Venables between 1154 and 1158 confirming the grant of Astbury church to St. Werburgh by his great-grandfather Gilbert, in which he expressly refers to the testimony of the "*carta Hugonis primi comitis.*"

In the list of the lands of St. Werburgh regranted to the new abbey the most obvious addition to the possessions of the canons in 1086 is the third part of Burwardsley which Robert Fitz-Hugh held in that year, but which the Domesday Commissioners reported to have been taken from saint Werburgh before the Conquest. As the grant is made by the earl and not by Robert, the canons or the monks had evidently recovered it as a matter of right. There are one or two additions that are less obvious. The grant of Wervin appears to have included the small portion held by William Malbank in 1086, for the abbey certainly held the whole vill afterwards and there is no record of a later gift. At the expense of Malbank, too, the abbey's share of Saughall seems at first sight to have been increased from a seventh to a third part, and not diminished as Ormerod was led to assert⁴ by overlooking Malbank's six hides in that township.⁵ It is possible, however, that there was some readjustment of area now or later between Saughall and the adjoining township of Shotwick on the north-west which left the abbey's share relatively unaltered. Attention has been drawn to the fact that while the church of St. Werburgh, apparently held all Shotwick in 1086 as a one-hide manor, the abbey is afterwards found holding only its north-western portion, the present township of Church Shotwick, the rest, fully two-thirds of the whole, being divided between a small Malbank holding, now the township of Rough Shotwick, and the much larger tract attached to the earl's

¹ The fact that all the MSS. of the Chester charter read *temporaneis* in the preamble while the Shrewsbury one has the correct *contemporaneis* is not enough to justify a suggestion that the former was fabricated from the latter.

² The Eaton *Sanctorum prisca* recital may, it has been seen, have been taken from a *historia* on which Hugh's charter was based.

³ No. 329; Orm. iii. 325. One of the witnesses was William de Warenne, who left England with Hen. II. in Aug. 1158 and died abroad in 1159.

⁴ i. 565.

⁵ *Domes. Surv. of Chesh.* 147, where the statement as to the disappearance of the Malbank tenancy should perhaps have been qualified by a reference to Mr. Brownbill's hypothesis mentioned below.

castle of Shotwick, now the township of Shotwick Park, which adjoins Saughall. From this Mr. Stewart-Brown infers that Earl Hugh, when regranting the estates of the canons to the monks, reserved two-thirds of Shotwick, and claims that this view is in consonance with the correct interpretation of the concluding words of Hugh's grant: "terciam partem de Burwardesleya et Edinchale et Sotewica."¹ This sounds plausible; and as the reading Shotowicam is given only by Leycester, it carries no weight in itself. On the other hand, when several third parts come together just above they are each set out in full, and Sotewica may have been attracted into the nominative by the uninflected Edinchale. The support which Ormerod found for this interpretation in the later history of Edinchale or Iddinshall² disappears on closer scrutiny. It was one-third, not two-thirds, that was alienated to the abbey in the second half of the thirteenth century, by a family bearing the local name, and the two charters quoted probably only refer to the resignation of an under-tenancy.³ Moreover, Mr. Brownbill has pointed out that seven hides seems an excessive assessment for the later Saughall as compared with one hide only for Shotwick.⁴ His suggestion that Rough and Park Shotwick represent a transference from Saughall, perhaps when the castle was projected, obtains some support from the survival of the Malbank tenure in the former, and perhaps from the later association of the earl's manors of Great and Little Saughall with the office of his park-keeper of Shotwick. Finally, it seems unlikely that the prebends which were not to fall in until the death of the canons⁵ should have been broken up at the time of the foundation. Whether the abbey was aggrandised in Saughall at the expense of Malbank or not, he himself rounded off their possession of Wepre by relinquishing his third of that vill to them. It was not, perhaps, until after Earl Hugh's time that an arrangement with William Fitz-Nigel completed their tenure of Raby at the cost of resigning to him their share of Neston.⁶ Fitz-Nigel's failure to make any gift to the abbey in Hugh's time seems significant of interests conflicting with those of the abbey, whose tenant he was in its share, of Raby and Neston.

The carucate at Pulford represents the half-hide of Domesday, but the moiety of Lache causes a difficulty, because in 1086 St. Werburgh apparently held the whole of this small manor.⁷ Either she lost half or there is a confusion subsequent to Domesday between

¹ *Trans. Hist. Soc.* 64 (1912), 85. The stops after the first two names in the Eaton charter (p. 54) may be added to the arguments against it.

² ii. 305.

³ Nos. 781-2 below. Ormerod's summary is far from accurate. See also No. 61.

⁴ *Trans. Hist. Soc., ut supra*, 87. His argument against Mr. Stewart-Brown is partly vitiated by his assumption that the abbey's third part of Shotwick would still be one hide.

⁵ See p. xxiv.

⁶ No. 351.

⁷ D.B. i. 263b.

Lache and Marlston, in which township it is now a hamlet, and which was also assessed at a virgate in 1086.¹ Both Pulford² and Lache were soon lost. Ranulf II., who seems to have robbed the abbey elsewhere,³ granted a moiety of Lache to Basingwerk Abbey.⁴

Of Earl Hugh's grants from his own demesne the manors in Anglesey and the cantred of Rhos⁵ were lost so speedily that their very names were forgotten, if indeed they had been fixed. Anglesey was recovered by the Welsh in 1094, and Hugh's failure to win it back in 1098 involved the final abandonment of the attempt to effect a Norman settlement there.⁶ Rhos, lying east of the Conway, was retained longer, but we hear no more of the abbey manor there. Irby, in Wirral, on the other hand, remained in its possession until the Dissolution.

The land given in Lindsey seems to be the ten oxgangs of land at Maltby, in Louthesk wapentake, which are recorded in the Lincolnshire Inquest of Service in 1212 to have been bestowed upon the abbey of St. Werburgh in pure alms.⁷ There, however, the gift is attributed to one of the Ranulfs, probably the second, instead of to Hugh I. This is apparently a mere error. Abbot Geoffrey (1194-1208) let the Maltby land at a rent (No. 244), and in the second half of the 13th century the abbey's right to it was contested (No. 245). It does not appear among its possessions at the Dissolution. More lasting was the abbey's tenure of the Derbyshire estate which it received from the founder. The gift is recorded in a return of lands in Nottinghamshire [and Derbyshire] not held by military service, made between 1232 and 1245: "Abbas Cestrie tenet totam villam de Weston, Aston, Wilne, Scardelow, Morl[ey], Smalley et Kydesl[ey] in pura elemosina de feoff[amento] Hug[onis]⁸ comitis Cestrie." These places form two groups about twelve miles apart, Weston and Aston-upon-Trent, Wilne and Shardlow, lying in the south-eastern corner of the county about seven miles from Derby, and Morley-cum-Smalley and Kidsley between four and six miles north-east of that town. The abbey interest in both quarters was afterwards largely augmented by local gifts.⁹

The gift of this important Derbyshire estate, which was made in free alms, did not take complete effect at once. It was probably part of the dower of the Countess Ermentrude, and the monks were not to come into possession of the great bulk of it until her death or that

¹ D.B. 268b.

² Orm. ii. 854.

³ No. 349.

⁴ Dugd. Mon. v. 263.

⁵ The north-west portion of modern Denbighshire.

⁶ Lloyd, *Hist. of Wales*, ii. 403, 408-11. Hugh's grant of fishing rights in the island cannot therefore have been much later than the gift of the manors.

⁷ *Testa de Nevill*, 338b. The passage as printed is phrased somewhat ambiguously, but its inclusion in the Eaton MS. shows that the gift cannot be as late as Ranulf II.'s time.

⁸ *Ibid.* p. 2. Hug' is misprinted Ilrig'.

⁹ Nos. 133-304.

of her husband, whichever occurred first. The fuller account of the transaction, which is fortunately preserved in the Eaton charter, describes how the Countess by her husband's command placed the gift of Weston upon the altar in the presence of Anselm and the Cheshire barons, and Hugh and Ermentrude seized St. Werburgh of (the reversion of) Weston by giving immediate possession of the tithes of the vill, of the church of Aston, and of a carucate of land "which they exhibited there," presumably by a symbolic fragment of its soil.¹ A century later such a *post obit* gift of land would have had no legal force.²

The founder further provided for the support of the monastery by the gift of all the tithes, great and small, of eleven of his³ demesne manors—Eaton,⁴ Frodsham, Eastham, Upton, and Weaverham in the narrower Cheshire of to-day; Hawarden, Coleshill, and Bistre in its Welsh extension of that date, afterwards included in the county of Flint; Leek and Rocester in Staffordshire, and (Chipping) Campden in Gloucestershire. There was further added the tithe of the fisheries of Frodsham, Rhuddlan, Anglesey, and Eaton, with a free boat at the last-named manor.

The gift of the church of Denford near Thrapston in Northamptonshire, with its glebe and the tithes of the vill, raises an interesting question of date. In 1086 Denford belonged to Geoffrey, bishop of Coutances, on whose death, which took place on February 2, 1093, his estates are said to have passed as a whole to his nephew, Robert de Mowbray, Earl of Northumberland. If Denford came into the possession of Mowbray, it can hardly have been transferred to Earl Hugh before his rebellion and forfeiture in 1095, an assumption which seems to obtain some support from the position and wording of the grant in *Sanctorum prisca*. Had it formed part of the original foundation grant it would more naturally have preceded the gifts of tithes; and "*adhuc dederunt*" perhaps implies a later grant. In any case it could not have been given at the foundation if, as seems almost certain, that took place before the death of Bishop Geoffrey. Its inclusion in *Sanctorum prisca* is a further proof, if such were needed, that that document is not a foundation charter, while its position points to some tampering even with the recital of the founder's first grants witnessed by Anselm and others. The permission to his barons and men to give to the abbey a certain proportion of their land, and the licence or injunction to make *post obit* gifts of a third of their

¹ See *infra*, p. 55. Earl Hugh's charter has *two* carucates.

² Pollock and Maitland, *Hist. of Eng. Law*, ii. 317-27. The authors do not mention the case of an immediate feoffment with part of the gift.

³ The *meis* of the original grant has been accidentally preserved.

⁴ The Eaton charter omits Eaton but adds Over (Vfre), for whose demesne tithes the abbey certainly received a composition in the 13th century (No. 119).

goods with their bodies for burial there,¹ which concludes the recital, may however be regarded as part of the original gift.

The order in which the grants of the barons are recorded does not seem to rest on any obvious system, though William Malbank and Robert Fitz-Hugh, who head the list, were perhaps entitled to precedence by the importance of their gifts and their position as the holders of the largest fiefs in Cheshire. Doubtless the order was that in which the original charters were kept or in which they were copied into a register or *historia* of the house.²

In land besides his share of Wepre, now in Flintshire, Malbank gave the manor of Whitby in Wirral, which in later times, if not at first, was a valuable possession.

A difficulty is raised by the inclusion among Malbank's other gifts of a salthouse in Wich (Nantwich). This is omitted in the Eaton charter, which assigns the grant to his son Hugh in the time of Earl Richard,³ and, as the witnesses are given, no doubt correctly. It was not confirmed by that earl, perhaps because made after his charter passed. That it was an interpolation in Earl Hugh's charter seems practically proved by the context. As the text stands, the two ox-gangs of land which follow this gift must be regarded as part of it,⁴ instead of going with the preceding grant of the church and tithe of Tattenhall,⁵ which is far more likely. Why the interpolation was made in Earl Hugh's charter instead of his son's is not clear, unless it was because the latter contained no Malbank entry and the addition would therefore have been more conspicuous.

In addition to the tithes of Tattenhall, Malbank gave those of Saughall, "Clayton" and Yraduc. "Clayton" is an unidentified vill in Atiscros hundred,⁶ and Yraduc⁷ perhaps a lost one near Dyserth and in the commote of Rhuddlan.⁸ These Welsh tithes were doubtless lost at an early date.⁹

¹ "Constituerunt" certainly supports Maitland's statement that "the gift shades off into a law of the palatinate" (*Hist. of Eng. Law*, ii. 324). On the other hand, only two donors, Wacelin and Scirard, are reported as giving the third, and in the Eaton charter (p. 55) the verb is "concesserunt" for the gifts of goods as well as those of land, though this may be the result of over-compression. On the difference between such a *post obit* gift of chattels and a will see Maitland (*loc. cit.*).

² Page xlii.

³ See p. 57, and No. 328.

⁴ To take them with the grant of the tithe of Saughall, which comes next, as Ormerod does (iii. 422, where Whitley should be Whitby) puts too great a strain on the grammar of the sentence.

⁵ This grant is unnoticed by Ormerod (ii. 717). See Nos. 85-6.

⁶ *Domesd. Survey of Chesh.* (Cheth. Soc. (N.S.) 75), 227.

⁷ The Domesday Raduch (*ibid.* 237).

⁸ Its name is preserved in Moel Hiraddug, and possibly the vill itself survives in Uwchglan and Isglan, two townships in the parish of Cwm (*Chesh. Sheaf*, 3rd ser. note 3586). It occurs as Irathuk, Hyraduk, Hiraduk, Huyraduk, and Huraduk in the Cheshire Recognizance Rolls (D. K. 36-7 Rep.). There was a Hyraduk Ughglan and a Hyraduk Isglan. I owe this reference to Mr. Stewart-Brown.

⁹ See p. 236.

Robert Fitz-Hugh's chief gifts were in Christleton, close to Chester (in which he granted two tenements), on the south-east. He gave the chapel (apparently the parish was cut out of some adjoining one) with its land, a villein (*rusticus*) and his land, a mill¹ and "the house (*chota*) of Ordric, Ordric himself and a certain field (*campum*) attached to this house." This last is an interesting grant, especially if Ormerod is right in supposing that Ordric was a villein, for the little estate became a separate township, known at first as Ordricescotes² or Ordric's Cotes or Cotes simply, and now as Cotton Abbots.³ It should be noted, however, that Ordric must have been a person of superior position to that of the unnamed villein included in Robert's grant. Little Christleton was afterwards given to the abbey by Leticia de Malpas.⁴

Fitz-Hugh's other gifts were in the lower portion of Broxton hundred; Crew in Farndon parish, called Creuhalle in 1086;⁵ a salt-house in Fullwich just within the present southern boundary of Cheshire, and a little land at an unidentified "Bochtunestan," which may have been in Maelor Saesneg, now in Flintshire, but then part of Cheshire.

Hugh Fitz-Norman and his brother Ralph, who is usually identified with the Radulfus dapifer (comitis)⁶ who witnesses Earl Hugh's first charter as recited in *Sanctorum prisca*, gave their share of the manor of Lostock. This was doubtless either Allostock or Lostock Gralam, for the story told by a Cheshire witness at the famous Scrope-Grosvenor trial in 1386 of the division of Lostock between his own ancestor and the ancestor of the Grosvenors by Earl Hugh I. after the battle of Nantwich, in which "Hame," its former owner, fell,⁷ is sufficiently refuted by the date of the battle in question, which was fought in 1146.⁸ Lostock is in Northwich hundred; Coddington, the church of which was given with its land and the tithes of the vill by the brothers, in that of Broxton, as also is Lea-cum-Newbold, of which they gave the tithes. The joint tenure of these brothers is one of the puzzling features of the early history of the house of Mold (*de Monte alto*) in which the stewardship of the earldom descended.⁹

Richard de Vernon, the founder of another of the great baronies of the palatinate, gave the tithes of Ashton by Tarvin and of Picton in Wirral; a minor tenant, Richard de Rullos (? Roullours in Normandy), supposed to be son of the Domesday Ilbert de Rullos, bestowed the church of Waverton near Chester with the tithes of that township

¹ The molendinum de Staneford of No. 61. Stamford Bridge is on the Gowy, close to Cotton.

² See No. 347.

³ Orm. iii. 784.

⁴ See p. 58.

⁵ At the Dissolution the abbey had "certen fre rent at Cru in the parish of Farnton" (Dugd. Mon. ii. 391).

⁶ Orm. i. 56.

⁷ Ibid. iii. 143, 163.

⁸ Ann. Cestr. 20.

⁹ See p. 50.

and Hatton in the same parish and those of Clotton in the parish of Tarvin; Billeheld, wife of Baudri (Baldricus), perhaps Baudri de Lindsey (Lindissi), a considerable tenant of the Chester fee in Lincolnshire,¹ granted the vill of Peckforton; and Ralph the Hunter gave three carucates of land in "Brochetuna," probably Broughton by Hawarden. The last gift is mysterious, for Ralph's manor there contained only land for one plough in 1086, and even if he had acquired Robert of Rhuddlan's share after his death in 1088, the difficulty would only be slightly lessened.²

Ralph de Mara, whom the older writers wrongly identified with Hugh Fitz-Norman, gave his third share of "Redcliff," the south-eastern suburb of Chester, the rest of which was part of the endowment of St. John's church. On the death or forfeiture of Hugh his fief seems to have escheated to the earl, who is recorded in the next entry to have given the tithes of another of his manors, (Great) Caldy, to the abbey, a gift which was confirmed by the next grantee, Robert Fitz-Serlo,³ whose tenure is only known from this grant. Earl Hugh also gave the tithes of Storeton and Greasby, when they were in his hands during the minority of the second Nigel de Burcy,⁴ who on coming of age confirmed the gift, and added eight oxgangs of land in Greasby.⁵ The Eaton charter, which for some unexplained reason, omits the Caldy grant altogether, and ignores the earl's share in the other one, probably as not legal without the heir's confirmation, describes Nigel's voluntary gift as a fourth part of Greasby. This cannot be made to agree with the more precise statement, if that is taken to be made in terms of assessment to geld, for Greasby was only a two-hide manor, and if the eight oxgangs were supposed to be field and not fiscal units the discrepancy would be only slightly reduced, since the manor was estimated in 1086 to contain land for not more than three ploughs.

Ralph, son of Ermewine, who was probably a tenant of William Fitz-Nigel at Barnston in Wirral in 1086,⁶ and had subsequently been enfeoffed by William Malbank at Woodchurch in the same hundred and Worleston in the district of Nantwich (Wichesfeld), or had acquired these properties in whole or part with his wife Claricia, joined her in granting to the abbey the tithes of the first and third of these manors and eight oxgangs of land in the second, the nucleus of a larger estate there.⁷

Robert de Tremons, who is not mentioned elsewhere, gave the vill of Tilstone Fearnall,⁸ which in 1086 was held of Robert Fitz-

¹ *Domes. Survey of Chesh.* 58, 203.

² *Ibid.* 231, 225.

³ See p. 18.

⁴ By identifying this Nigel with his namesake (? father) who held both manors in 1086, Ormerod (ii. 493) absurdly places the earl's gift "previous to the parcelling out of the Cheshire manors among his followers," i.e. long before the abbey existed to receive it.

⁵ Greasby as a whole was added by a later holder, Richard de Rullos (No. 23).

⁶ *Domes. Surv. of Chesh.* 167.

⁷ See Nos. 645-663.

⁸ See No. 344.

Hugh by a certain William, possibly the father of Robert de Tremons. Wacelinus, who had succeeded his uncle Walter de Vernon (brother of Richard and himself a minor benefactor of the abbey) in his three Wirral manors of Ness, Prenton, and Ledsham since 1086, gave a cultivator (*agricolam*) and four oxgangs of land at the first named and the tithes of the others, bequeathing also a third part of his and his wife's goods. As Walter de Vernon witnessed a charter of Earl Richard¹ he must have enfeoffed his nephew in three of his four Cheshire manors during his lifetime, unless Wacelin's grant was really made after Earl Hugh's time and is out of place in his charter.

A benefactor of the abbey, both in Cheshire and other parts of the great Chester fief, was that Scirard, or on Norman tongues Sirard, whose true name has hitherto been concealed by the corrupt form Seward which Dugdale (followed by Leycester) found or made in the text of *Sanctorum prisca* which he transcribed.² From his name probably an Englishman,³ Scirard had been enfeoffed since the date of Domesday Book by the earl in Wallasey and Weston-upon-Trent and Wilne; by Osbern Fitz-Tesson in Poulton in Wirral, which is said to have taken its distinguishing name of Poulton Lancelyn from his descendants, and Nether Bebington; and by William Malbank at Little Maine and Friar Maine⁴ in Dorset, which William held of Earl Hugh, and perhaps at Bromhall in Wrenbury parish in Cheshire. Friar Maine passed later to the Knights Hospitallers, but Little Maine remained in the possession of Scirard's descendants until the second quarter of the fifteenth century, when it went to the Newburghs of East Lulworth.⁵ In 1285 it was known as Mayne Sirard or Syrard,⁶ the family having adopted its founder's Christian name as a surname in the forms Scirard, Sirard, Syrard, and Sherard.

Of Scirard's tenure at Wallasey, Bromhall, and Weston-upon-Trent, etc., there seems to be no later trace. As he appears to have established himself in Dorset, the Cheshire Lancelyns, if correct in regarding him as their progenitor, would seem to have been a younger line.⁷ This has never been suspected by the Cheshire genealogists, who did not trouble to identify Maynes.

¹ See No. 5.

² The corruption takes the form Suard among the witnesses of William Malbank's charter (*supra*, p. 18) in certain MSS., a form for which Sirard as written may easily be mistaken. In another document (No. 691, *infra*) Ormerod turns Sirardi into Siwardi (ii. 440).

³ See Scirheard in Searle (*Onomasticon Anglo-Saxonicum*).

⁴ Now farms and tithings in West Knighton near Dorchester. They were separate manors in 1086, both held by William [Malbank] (D.B. i. 80), and the plural Maynes seems to imply that both were subinfeudated to Scirard.

⁵ Hutchins, *Hist. of Dorset* (3rd ed.), ii. 500 *sqq.*, i. 432.

⁶ *Feudal Aids*, ii. 19, 20.

⁷ See Orm. ii. 440, 444. Richard Lancelyn, who confirmed the gift of Bebington church before 1182 (*infra*, No. 596), is the first of the name recorded. It is parallel with Lancelot and seems to imply at least one generation between Richard and Scirard, if Richard was a direct descendant.

No reason seems discoverable for the omission in the Eaton charter of the two grants which follow those of Scirard. The gift of Astbury church by Gilbert de Venables was confirmed by his great-grandson between 1154 and 1158.¹ The other omission is that of Geoffrey de Sartes' grant of the tithes of his manor of Wichtricheston or, as it was afterwards called (among wilder variants), Wightreston, the original name indicating its proximity to Nantwich.² It is the Wistetestune of Domesday, and in 1086 already belonged to William Malbank,³ who witnesses this gift of his undertenant. Formerly a distinct manor, it is now represented by that part of Willaston which lies in Nantwich parish.

Richard de Mesnilwarin or Mainwaring gave the tithes of Blacon, north-west of Chester, which had been held in 1086 by the Ranulf who is presumed to have been his father and the patriarch of all the Mainwarings.

If the Joscelin whose son Ranulf, according to an entry peculiar to the Eaton charter, confirmed his father's gift of his tithes to the abbey, may be identified with the earl's tenant of that name in 1086,⁴ the tithes would probably be those of Newton by Middlewich, Croxton, and Nether Tabley.

The gift of Robert Pultrel or Putrel at Macclesfield affords evidence that the Poutrell family, who are the earliest recorded lords of Poynton, were enfeoffed in that quarter of the county shortly after Domesday.⁵

From the annexed table, in which for the immediate purpose the Cheshire carucates and oxgangs (*bovatae*) have been treated as units of taxation, the carucate as equivalent to the hide and the oxgangs as one-eighth of the hide, it would appear that the land received by the new abbey over and above the estates held by the canons in 1086 rather more than doubled the hidage. Irby, "Bochtunestan," Lostock and Cotton Abbots, together with the church glebes, are not included because no figure is given in their case. Unluckily, no estimate of the annual value of these acquisitions can be supplied except in a few instances where it can roughly be deduced from Domesday figures.

¹ No. 329; Orm. iii. 25.

² Orm. iii. 487. For the change from Wich- to Wig- cf. Wigland (= Wichland) near Fullwich in Broxton hundred.

³ *Domes. Surv. of Chesh.* 159.

⁴ *Ibid.* 196. It would be rash to identify either with the Joscelin de Tuschet whose grandson Henry was confirmed in his possessions by Ranulf II. between 1144 and 1149 (Touchet pedigree at Norton Priory. See the *Genealogist*, July 1919. The Tuschets were perhaps already lords of Buglawton and Tattenhall).

⁵ Henry Pultrell later witnesses the charter of Ranulf II. granting Kersal to Lenton Priory, printed (with too early a date) in Farrer's *Lancs Pipe Rolls*, 326. The Henry Putrell who held Clifton in Eccles parish shortly before 1184 (*Pipe R.* 111, misprinted Hugh in *V.C.H. Lancs.* iv. 404) can hardly have been the same person, but perhaps belonged to the same family. Hugh Pultrell or Putrell obtained the manors of Worsley and Hulton in 1195 (*ibid.* iv. 364 n, 376-7).

	Donor.	Hides or Carucates.	Oxgangs.	Annual Value.
<i>Cheshire.</i>				
Bebington, Nether	Scirard		4	
Broughton . . .	Ralph the Hunter	3		
Burwardsley . .	Robert Fitz-Hugh	1		
Crewe	"	1		
Greasby	Nigel de Burcy		8	
Macclesfield . .	Robert Putrel	1		
Ness	Wacelin		4	
Peckforton . . .	Billeheld	1		£1 0 0
" Redcliff " . .	Hugh de Mara	$\frac{1}{3}$		6 8
Saughall (?) . .	Earl	$1\frac{1}{3}$		4 4
Tilstone Fearnall	Robert de Tremons	2		4 0
Wepre	William Malbank	$\frac{1}{3}$		10 0
Wervin	" "	$\frac{1}{3}$		4 0
Whitby	" "	1		
Woodchurch . .	Ralph Fitz-Ermewine		8	
<i>Derbyshire.</i>				
Morley	Earl	$\frac{2}{3}$		
Smalley and				
Kidsley	"		4	
Weston with Aston				
and Shardlow . .	"	$11\frac{1}{3}$	$2\frac{1}{2}$	
<i>Lincolnshire.</i>				
Maltby	"		10	
		29	$3\frac{1}{6}$	£2 9 0

Tenements in Chester were given by Robert Fitz-Hugh (2) ; churches and chapels by various donors—Astbury, Bebington (chap.), Christleton (chap.), Coddington, Tattenhall and Waverton in Cheshire, Aston-upon-Trent in Derbyshire, and Denford in Northamptonshire. Tithes, however, were the commonest form of gift, and comprised those of Barnston (Wirral), Bebington (Nether), Bistre, Blacon, Bromhall (?), Caldy (Gt.), "Clayton," Clotton, Coleshill, Coddington, Eastham, Eaton,¹ Frodsham, Greasby, Hatton, Hawarden, Hiraddug, Lea-cum-Newbold, Ledsham, Over,² Prenton, Rhuddlan (fisheries), Saughall, Storeton, Tattenhall, Upton, Wallasey, Waverton, Wightreston (in Willaston by Nantwich), and Worleston in Cheshire and its Welsh dependencies, Weston-upon-Trent in Derbyshire, Leek and Rocester in Staffordshire, Denford in Northamptonshire, and Chipping Campden in Gloucestershire.

4. Testimony of Archbishop Anselm that when Earl Hugh placed monks in the church of St. Werburgh he (1) granted that the church and its possessions from every source should be free from tolls and all work and all other customs, retain-

¹ Omitted in Eaton charter.

² In Eaton charter only. See above, p. 31.

ing nothing in them for himself; (2) enacted that none of its men should have to plead for any cause before any one but abbot Richard, who, with the permission of Anselm, then abbot of Bec, had come thence to be first head of the new abbey, and his successors (3) arranged, with the consent of the canons, that as each of them died his prebend should pass into the possession of the monks without opposition. 1093-1109.

From the "Great Charter" of Ranulf II., now at Eaton Hall (E), collated with Windsor MS. xi. E 5 (W), and the chartulary (Ch.). The last gives the text in full.

TESTIMONIUM ANSELMI ARCHIEPISCOPI ¹

Decet quemque Christianum de his que ad honorem Dei in futurum stabilia esse decerni ² presens audiuit testimonium perhibere. ne aliquis Deum minus amans ea possit quavis occasione in sequenti tempore peruertendo mutare. Vnde ego Anselmus gracia Dei sancte Cantuariensis ecclesie archiepiscopus ³ testimonium fero quod quando HUGO Cestrensis comes ⁴ posuit monachos in ecclesia sancte Werburge. concessit et confirmavit ut eadem ecclesia et omnes res eius quas habebat. et quas ipse uel homines sui tunc dederunt uel postmodum darent. ita libere essent et quiete a theloneis. ⁵ et omnibus operibus et omnibus aliis consuetudinibus. ut nichil in eis sibi aliquatenus retinuerit. Statuit etiam ut homines ad ipsam ecclesiam pertinentes nulli pro qualibet causa nisi domino ⁶ Ricardo quem de abbacia Beccensi monachum unde ego tunc abbas eram rogatus ab ipso comite abbatem ibi fieri concessi. et successoribus eius respondeant. De prebendis autem canonicorum constituit ipsis concedentibus. et me et Rodberto episcopo et baronibus suis testibus ut post discessum uniuscuiusque eorum. ⁷ prebende eorum libere sine ulla contradictione in dominium monachorum ad usum eorum uenirent. Si quis autem aliquid horum infringere uoluerit Anathema sit. et cum Iuda traditore ⁸ Domini perhenniter dampnetur. et cum Symone mago et demonibus in inferno crucietur.

This appears to be the earliest extant document of its kind issued

¹ The heading in Ch. is "Perhibicio testimonii sancti Anselmi de infeodacione domus."

² decernuntur Ch.

⁴ comes Cestrensis W, Ch.

⁶ Blurred, possibly dompno as in W, Ch.

⁷ eorum om. Ch.

³ W, Ch.; archiepiscopatus E.

⁵ theloniis W.

⁸ domini traditore W, Ch.

by an English archbishop, and it differs from Anselm's to Rochester in regard to the gifts of Henry I.¹ and those of Theobald to Westminster,² Gloucester,³ and Chester itself⁴ in containing no express words of confirmation by virtue of the archbishop's authority as metropolitan. Nevertheless it is described as a confirmation by Theobald in his grant to the same house. The internal evidence of authenticity which it contains seems to be strong. The fact that Anselm was still only abbot of Bec when the abbey was founded is noted here, while it is entirely ignored in the so-called foundation charter. Further evidence of trustworthiness is provided by the record of the arrangement made for the gradual extinction of the canonries,⁵ a necessity of the case, but omitted in all the charters, and the mention as a witness of Bishop Robert (de Limesey), the absence of whose name from the "foundation" charter of a new monastery in his cathedral city is so surprising.

It will be noticed that the grant of a court is stated in terms which differ from those used in that charter. To build any argument on this difference would perhaps be unsafe, but the fact that both the grant of a court and the grant of liberties are here described as made at the time of the foundation shows that the summary of what happened then which is given in *Sanctorum prisca* must be incomplete.

5. Charter of Earl Richard and his barons and men confirming with his seal their gifts to the abbey in his time, as well as those which his father Earl Hugh and his barons confirmed, and repeating their provision that all these gifts should be so free that no liberty remained to be added later. Granting also that St. Werburgh shall have her court in all pleas and forfeitures as the earl has his, so that the abbot shall not be required to plead against any one or in any cause outside his own court. 1119.

From Badlesmere's *inspeximus* of 1280⁶ in Windsor MS. xi. E 5 (W), collated with the royal *inspeximus* of 1285 in Charter Roll 73, m. 11, No. 38 (C.R.), Leycester's transcript of the charter "which remained among the evidences of that church (St. Werburgh's) anno 1644" (L), the list of the gifts of Richard and his men which alone is given in Earl Ranulf II.'s "Great Charter," Eaton MS. 1 (E), and the much-abbreviated copy in the chartulary (Ch.). Pd. in Leycester, *Hist. Ant.* p. 117 (=Orm. i. 17), and Dug. *Mon.* ii. 387 (from C.R.).

Anno ab incarnatione Domini MCXIX,⁷ regnante potentissimo⁸ rege Henrico, ego comes Ricardus meique homines

¹ Dugd. *Mon.* i. 175.

² Warner and Ellis, *Facsimiles of Charters in the British Museum*, 1066-1199, No. 28; Dugd. *Mon.* i. 309.

³ *Cart. S. Petri, Glouc.* (R.S.) i. 226.

⁵ See Introduction, p. xxiv.

⁷ c. noñ. i. Ch.

⁴ No. 19, *infra*.

⁶ See p. 85.

⁸ potentissimo om. Ch.

communi consilio confirmauimus sigillo meo¹ omnes donationes que date sunt a me uel a meis in meo tempore ecclesie sancte Werburge Cestrie; ego itaque comes Ricardus post obitum patris mei dedi pro salute anime sue et mee,² terram Wlfrici³ prepositi foris portam de North, prius per unam spicam frumenti, deinde per unum cultellum super altare sancte Werburge⁴; et molen-
dinum de Bache,⁵ et tres mansuras quietas et ab omni re liberar,⁶ duas in ciuitate, et unam extra portam de North.⁷ Teste⁸ Willelmo constabulario, Waltero de Vernon,⁹ Radulfo dapifero, et aliis multis.¹⁰

Willelmus constabularius dedit Neutonam¹¹ simul cum seruicio Hugonis filii Udardi de quatuor bouatis, et cum seruicio Wiceberni¹² de duabus bouatis.

Hugo filius Normanni dedit Gosetre¹³ et Lautonam.¹⁴ Teste Hugone de Lasci,¹⁵ et Radulfo¹⁶ et Rogero filiis Normanni, multisque aliis.¹⁷

Ricardus de Praers¹⁸ dedit Cnoctirum.¹⁹ Teste Willelmo et Adam²⁰ filiis suis.²¹

Corbinus dedit unam carucam²² terre in Werewelle.²³

Hamundus de Masci,²⁴ concessu heredum suorum,²⁵ et Roes²⁶ uxor Pigoti, concessu Rogeri fratris sui,²⁷ dederunt Norwrdinam,²⁸ et ecclesiam,²⁹ cum omnibus que ei³⁰ pertinent, concedentibus et testibus filiis eorum.

¹ Sigillo meo om. Ch.

² et mee om. D; [meae] et suae L. E has only a very brief preamble in the third person for all down to this point: Post obitum Hugonis comitis Ricardus comes, filius eius, dedit pro anima illius deo et sancte Werburge (see p. 57).

⁴ prius . . . Werburge om. E, Ch.

³ Wlfrici L.

⁵ Beche C.R.

⁶ quietas et pacatas E.

⁷ extra murum E.

⁸ E; T. in C.R. testibus in L.

⁹ Walterio de Vernona E, Vernun W.

¹⁰ multis aliis L.

¹¹ E, Ch. omit the rest of this grant but E gives witnesses: Teste Radulfo dapifero et aliis multis and inserts the following grant: Hugo Malbeench dedit unam salinam in Wico suo. Teste Adaliza matre sua, Ricardo de Praeres et Gutha. et aliis multis.

¹² Wytheberni C.R., Wicelini L. Cf. No. 351.

¹³ Gosetro E, Gostrey L.

¹⁴ Lantronam C.R., Lantrenam D., Lawton L.

¹⁵ Laci E, Lacy C.R., L.

¹⁶ et Radulfo om. E.

¹⁷ et Rogero filius (sic) Normanni et Sirardo et aliis multis E.

¹⁸ Praeres E.

¹⁹ Cnoctyrum E, Cenoctirum C.R. (Cenocitirne D).

²⁰ Ada L.

²¹ et Lamberto E.

²² carucam om. Ch.

²³ Wirwella E, Werewel L.

²⁴ Maci E, C.R.; E reverses the order of the grantors.

²⁵ concessu . . suorum om. E.

²⁶ Roesia C.R., Rosa L.

²⁷ concessu . . fratris sui om. E.

²⁸ E, C.R.; Northwrthinam W, Norwrdinam Ch., Norwordinam L.

²⁹ Ch. om. rest of entry.

³⁰ ad eam L.

Rogerus de Melinguarin¹ dedit Plumleiam² cum Widone filio suo quando factus est monachus.³ Teste Willelmo et⁴ Rannulfo filiis [suis].⁵

Rannulfus venator dedit Bradeford,⁶ et unam salinam in Northwich,⁷ concessu Ricardi comitis et Hugonis de Vernon⁸ domini sui.⁹

Item Ricardus comes dedit decimum salmonem de ponte, et locum unius molendini citra pontem, et decimam illius molendini ultra pontem.¹⁰

Burel¹¹ dedit ecclesiam de Haliwella,¹² et decimam de molendino suo et de omnibus rebus suis.¹³

Herebertus¹⁴ Weambasarius¹⁵ dedit terram quatuor boum in Hole.

Ricardus pincerna dedit ecclesiam sancti Olai,¹⁶ et terram iuxta ecclesiam, et duas mansuras in foro.¹⁷

Rogerus de Sancto Martino dedit terram duorum boum in Bebintona.¹⁸

Willelmus de Punterleya¹⁹ dedit Butauari²⁰ cum omnibus²¹ appendiciis suis, id est ecclesiam et totum manerium solutum²² et quietum, et siluam Lectone²³ ad rogam faciendum, et ad communem usum domestici operis, concessu et testimonio²⁴ Hereberti²⁵ filii sui et Aluredi²⁶ domini sui et Ricardi comitis.²⁷

Hugo de Vernon,²⁸ concessu Ricardi comitis, dedit²⁹ unam mansuram in ciuitate,³⁰ solutam³¹ et quietam ab omni re et consuetudine.³²

¹ C.R. ; Melingarin W, Meilingwaf. Ch., Manniliwarini E, Menilgarin L.

² Plumleyam, E, Plumbeiam C.R.

³ quando . . . monachus om. E, Ch. ⁴ et om. E.

⁵ Supplied from E, whose next entry is the gift of Richard pincerna given later in the other version.

⁶ Bradeford E, Bresseford L.

⁸ Vernun W, C.R.

⁹ domini sui om. E.

¹⁰ Ch. transfers this entry to the end of the earl's gifts in Chester above, E omits it altogether.

¹¹ Burel C.R., Bourel E.

¹² et decimam suam et de molendino suo E.

¹³ W, C.R., Ch. ; Wombasarius E, Wambarsarius L. ¹⁴ Herbertus E.

¹⁵ in ciuitate E. ¹⁶ Olafi E.

¹⁷ Punterling L. ¹⁸ E, Ch. ; Bebintone W, C.R., Bebington L.

¹⁹ E ; Buttauari C.R., Buttauarri Ch., Buttanari L, D ; Butteluari W.

²⁰ cum omnibus et ecclesiam et totum manerium et siluam Lectone Ch.

²¹ solidum E. ²² Lestone E. ²³ et testimonio om. E.

²⁴ Herberti E. ²⁵ Aluredi E.

²⁶ E adds: Teste Willelmo constabulario, Ricardo Banastro, Willelmo pincerna, et aliis multis.

²⁷ E ; Vernun W, C.R., Ch.

²⁸ in Cestra E.

²⁹ concessu . . . dedit om. E.

³⁰ ab . . . consuetudine om. E, Ch. which end their recital with this grant.

³¹ solidam E.

Hiis ita descriptis, ego comes Ricardus meique barones et mei homines confirmauimus non solum ista set et ¹ illa omnia que comes Hugo pater meus et barones sui confirmauerunt, constituentes, sicut illi constituerunt ut hec omnia sint stabilia, soluta et quieta, et ab omni re ² ita libera ³ ut nichil ⁴ libertatis possit eis addi ulterius, nichil ⁴ enim retinemus preter orationem ⁵ in rebus sancte Werburge virginis.

Concedimus etiam ut beata virgo Werburga habeat suam curiam de cunctis placitis et forisfactis sicut comes habet suam, ita uero quod abbas illius loci non exeat neque placitet contra aliquem de aliquo placito uel de aliqua re extra curiam suam.

Test.⁶ Rannulfo Meschin⁷ et Willelmo fratre suo, Willelmo constabulario, et Ricardo fratre suo, Hugone Malbank,⁸ Osberno Meschin,⁹ Hugone filio Osberni et Willelmo fratre eius,¹⁰ multisque aliis; apud Graham.

Richard's charter is free from some of the more unusual features which have helped to cast a certain doubt on the genuineness of his father's.¹¹ The initial date may perhaps be paralleled,¹² and its dating "apud Graham," *i.e.* Greetham, the caput of the Lincolnshire fief of the earls of Chester, is in accordance with the practice of their clerks. Except that Osbern fitz-Hugh of Pulford (Chesh.) and Ormesby (Lincs) is not elsewhere called Osbern Meschin ("the younger"), the witnesses excite no misgivings. The opening is no doubt rather abrupt and meagre for a confirmation of importance, but this might be regarded as more in its favour than the reverse. Its omission of Hugh Malbank's gift of a salhouse at Nantwich, which appears among the grants of Richard's time in the Eaton charter,¹³ is perhaps to be explained by its being made after his confirmation. As to the date of the latter, Richard was in Normandy in October 1118,¹⁴ and is included by Orderic in a list of magnates who stood loyally by Henry I. there during the crisis of 1119,¹⁵ but it would be rash to exclude the possibility of a visit to England in this year. The tradition that Richard was on very

¹ etiam L, D wrongly. D has itaque for ita above.

² constituentes . . . omni re reduced to etc. in L.

³ libere L.

⁴ nihil L.

⁵ orationes L.

⁶ Testibus L.

⁷ Meschini W, Ranulfo de Meschines L.

⁸ Malbanck L.

⁹ Meschyn C.R., de Meschines L.

¹⁰ William fitz Osbern gave a message to the abbey (No. 371). He granted part of the tithe of Golborne (David) to Chester nunnery *c.* 1155 (*Chest. Arch. Soc. Journ.* (N.S.) xiii. 93).

¹¹ Page 22, and for the general question of the charters of the first four earls, Introduction, p. xxxv.

¹² Cf. *e.g.* Davis, *Regesta*, No. 145.

¹³ Page 57. The probability of the explanation suggested is diminished by the late date of Richard's charter.

¹⁴ Haskins, *Norman Institutions*, 294.

¹⁵ *Ord. Vit.* (ed. le Prévost) iv. 346.

bad terms with the Chester monks in his last years,¹ though not without probability, is not necessarily incompatible with the confirmation.

The feature of the charter which looks most suspicious is the clumsy insertion among the baronial grants of the earl's gift of the tenth salmon at Dee Bridge, etc., an entry which does not occur at all in the Eaton charter. It certainly has the air of an interpolation, taken from a different list of grants than that followed in the other entries, a list in which each grant was introduced by Item. There is no reason, however, to doubt the reality of the grant, and if the main source of the scribes of both charters was a register or *historia*² in which it was accidentally omitted, the one may have found it elsewhere too late for insertion in its proper place, while the other overlooked it altogether. It must be confessed, nevertheless, that even in this charter the number of features which demand explanation is disquieting.

The gifts of Earl Richard to the abbey were restricted to the city, in which he gave two tenements (*mansuras*), the tenth salmon caught at the bridge, a site for a mill, etc.; to its suburb outside Northgate, where he granted a third tenement and the land of Wulfric the bailiff; and to Bache, a little more than a mile north of this gate, where he gave the mill.³ Seisin of Wulfric's land was given by the symbolic delivery of an object supposed to be taken from the land and the knife with which it was cut, a ceremony recalling the older livery of seisin on the spot.⁴

On the north side of the city too, and east of Bache, lay the township of Newton (Newton-juxta-Sutton), which was the rather belated first gift of William Fitz-Nigel, the earl's constable and his father's before him. With the demesne he gave the service of Hugh, son of Odard, for four oxgangs and that of Wicebern for two. If these were geldable oxgangs, they comprised three-fourths of the assessment of 1086, which was one hide. Odard was a knight of Fitz-Nigel's, who before 1086 had enfeoffed him with Aston-juxta-Sutton and parts of Weston-upon-Mersey and Whitley. He also held the greater part of Dutton from the earl and founded the family of that name which survived in the male line there until the reign of Charles II., and with a changed name in a younger branch at Arley until 1813.

Henry Bradshaw, in his metrical life of St. Werburgh, preserves a story, which may contain an element of genuine tradition, that the gift of Newton was made in performance of a vow to the saint. On a visit to the shrine of St. Winifred at Holywell, Earl Richard was suddenly cut off from Chester by a raiding force of Welshmen and in danger of capture. The constable summoned to his help reached the opposite

¹ Page xxv.

² Page xlii.

³ Page 57.

⁴ Pollock and Maitland, *Hist. of Eng. Law*, ii. 85. The ear of corn does not seem to have been a common symbol. See the list under Gifts in the Index Rerum of Round's *Calendar of Documents preserved in France*.

coast of Wirral with a relief force, but finding no means of crossing the estuary appealed in his distress to St. Werburgh, who made prompt answer.

For like as to Moises deuided the redde see,
And the water of Jordan obeyed to Josue,
Ryght so the depe river of Dee made diuision,
The sondes drye appered in syght of them echone.¹

The constable crossed and succeeded in rescuing his master.

It is at this point that the Eaton charter inserts the grant of a salthouse at Nantwich by Hugh Malbank, with his mother Adeliza heading the witnesses.²

Hugh Fitz-Norman continued his liberality to the abbey, giving the vill of Goostrey and (Church) Lawton, which he held in his own right, and not jointly with his brother Ralph as in the subject of his earlier gifts.³

Noctorum in Wirral was granted by Richard de Praers, who may be identified probably with the Richard who held it and "Claitone" in Atiscros hundred under William Malbank in 1086,⁴ an identification which seems to have escaped the genealogists.⁵ He is supposed to have been the ancestor through his son Adam, a witness to this grant, of the Praers of Barthomley and other Malbank manors in Nantwich hundred.⁶

"Werewell" or "Wirwell," in which Corbin gave a carucate of land to the abbey, has not been identified; but if the family of Corbin, long seated in Hawarden parish,⁷ was descended from the donor, it ought perhaps to be looked for within the bounds of the present county of Flint.

The grant of Northenden and its church shows some curious divergences from the Eaton charter. The latter reverses the order of the two donors, putting Roes uxor Pigoti before Hamundus de Masci, and omits the consent of Roger brother of Roes (or Pigot) in the one case and of the heirs in the other; the latter at least seems unnecessary with "concedentibus et testibus filiis eorum" following. In 1086 Northenden had been held jointly by Ranulf (? de Mainwaring) and Bigot (de(s) Loges).⁸ It is known that Ranulf's share passed to the Mascies, and the suggestion is tempting, if risky, that

¹ *Lyfe*, etc., 189; Orm. ii. 501, embroiders on his author in making Richard take refuge in the abbey of Basingwerk, which indeed was not founded until after his time.

² See p. 57. A confirmation by William Malbank II. is in No. 328.

³ See p. 33, and, for later grants in these vills, Nos. 535, 540-4, 767-74, 788-832.

⁴ *Domes. Surv. of Chesh.* 149, 227. Possibly also Praers was the under-tenant of Hugh Fitz-Osbern at "Edritone" in Atiscros (*ibid.* 229).

⁵ Orm. i. 526.

⁶ Orm. iii. 299, 301, who refers to the charter of Ranulf I. instead of Richard's.

⁷ *Trans. Hist. Soc.* 67, 183.

⁸ *Domes. Surv. of Chesh.* 215.

Pigoti is a misreading of Bigoti, though as early as the Eaton charter. Evidence seems lacking too for the view that the name Picot or Pichot could be spelt Pigot at this date. Some support is lent to this suggestion by the fact that Robert son of Bigot had succeeded his father in his other estates before 1130.

Roger de Mesnilwarin or Mainwaring, apparently younger son of the Ranulf mentioned above, gave Plumley near Nether Peover to the abbey when his son Guy became a monk there, and Ralph the Hunter granted Bradford, a hamlet in Shurlach township near Northwich, with a salhouse in that wick. The monks received later gifts from tenants in Plumley,¹ but the gift of Bradford either took no effect or the manor was so fully subinfeudated that the chief lordship of the abbey was forgotten. Nothing was said of it when Hervey de Bradford, in the reign of Edward I., exchanged it for the serjeancy of the East Gate of Chester and Brueres Halgh near the city, with a view to its transfer to the king's new abbey of Vale Royal.² The mention of the consent of Hugh de Vernon, the chief lord, to the grant to St. Werburgh's shows that Richard de Vernon, the Domesday baron, and perhaps (if he was grandfather rather than father of Hugh) his son William, were now dead. This Hugh himself gave a tenement in Chester to the abbey free of all custom, etc. Another acquisition in the city in Earl Richard's time was the church of St. Olaf or Olave in Bridge Street, and two tenements in the market-place, the gift of Richard the earl's butler (*pincerna*).³

Of the remaining grants two were in Cheshire proper and two in its Welsh dependency. Herbert the jerkin-maker (Wambasarius)⁴ gave four oxgangs of land in Hoole and Roger de St. Martin two in Bebington. More important, but not destined to be permanent, were the gifts of the church and tithes of Holywell by (Ranulf) Burel or Bourel,⁵ and of the whole manor of Bodfari (Butauari)⁶ with all its appurtenances and the wood of Lectone for the provision of firewood (*ad rogum⁷ faciendum*) and timber, by William de Punterley, of whose family and of that of his immediate lord Alfred⁸ there seems to be no other trace. The form Punterling, which occurs only in Leycester's copy, is probably due to the influence of the name of a

¹ Nos. 777-80.

² Orm. ii. 173, iii. 264.

³ He held Poulton (in Pulford) and "Calvintone" in 1086, and was one of the witnesses of William Malbank's grant to the abbey (*supra*, p. 18). For Robert his son, or more probably grandson, see *V.C.H. Lancs*, i. 338.

⁴ Ducange, *Gloss. Lat. s.v.* Gambio.

⁵ See p. 20. Under Ranulf II. Holywell and its church were given to Basingwerk abbey (*Dugd. Mon.* v. 263); the church was regranted to St. Werburgh's by Earl Hugh II. (No. 354). For a Robert Burell of slightly later date see Orm. i. 690, note *e*.

⁶ Some identify this with the Botewarul of 1086 (*Domes. Surv. of Chesh.* 237).

⁷ Ducange, *s.v.*

⁸ Possibly father of Richard fitz-Alfred, who witnessed a Basingwerk charter of Ranulf II. (*Cal. Chart. R.* i. 289).

family called Punterlin, two of whose members witnessed charters¹ towards the close of the twelfth century. This name was not territorial and so did not take the 'de.'

The annexed table gives the assessment and value of the lands acquired under Earl Richard, where they are recorded in Domesday Book or in the charter :

	Donor.	Hides or Carucates.	Oxgangs.	Annual Value.
<i>Cheshire proper.</i>				
Bebington .	Roger de St. Martin		2	
Bradford .	Ralph the Hunter			
Goostrey .	Hugh fitz- Norman	$\frac{3}{4}$		Waste
Hoole .	Herbert Wam- basarius		4	
Lawton .	Hugh fitz- Norman	$1\frac{1}{2}$		£1 16 0
Newton-juxta- Sutton .	William fitz- Nigel	1		1 0 0
Noctorum .	Richard de Praers	$\frac{1}{2}$		10 0
Northenden .	Hamon de Massey and Roes uxor Pigoti	1		3 0
Plumley .	Roger de Main- waring			
<i>Atiscros and Engle- field.</i>				
Bodfari .	William de Punterley			
"Werewelle" .	Corbin	1		

Six houses in Chester, four churches—St. Olave's there, and those of Northenden, Bodfari, and Holywell—salthouses at Nantwich and Northwich, mills at Bache and Chester (site), and tithes at Chester and Holywell were added to the possessions of the monastery.

6. Charter of Earl Ranulf I. and his men confirming (1) their own gifts to the abbey, including the earl's grant of the manor of Upton by Chester and confirmation of the founder's grant of a fair on the day of the translation of St. Werburgh and the day before and after (June 20-22), specifying that the abbey jurisdiction over fair cases is to be exercised in

¹ *Arley Charters* (ed. Beamont), 25, 32, 51; *Orm.* i. 421, 447, 612, 663. Mr. Irvine suggests that the "de Punterleya" of the MSS. may be an error for Punterlin, but this does not seem likely.

its court by the abbot's officials and the sheriff of the city from whose farm the fines received by the monks are to be deducted by the earl's chamberlains; (2) the gifts of Earls Hugh and Richard and their men; (3) the liberties of the abbey; (4) the confirmation by previous earls and their men of the exclusive jurisdiction of the court of St. Werburgh in every matter concerning the abbey, to impress which upon posterity he, Ranulf, has appeared in the court and received judgement from the abbot's doomsmen in a case in which he was a party. 1121-29.

From Edward I.'s *inspeximus* of 1285 in Charter Roll 73, m. 11, No. 38 (C.R.), collated with Badlesmere's *inspeximus* of 1280 in Windsor (St. George's Chapel) MS. xi. E 5 (W), Leicester's transcript (L) from "an ancient charter among the evidences of that church" (St. Werburgh's), the list of the gifts of Ranulf and his men in his son's "Great Charter," Eaton Hall Ch. 1 (E), and the abbreviated copy in the chartulary (Ch.). Pd. in Leicester, *Hist. Ant.* p. 118 (=Orm. i. 18), and in Dugd. *Mon.* ii. 387, No. vi. (from C.R.).

¹ Uniuersis matris ecclesie filiis Ranulfus comes Cestrie salutem. Notum sit vobis pariter ² me concessisse, quando feci transferri corpus Hugonis comitis auunculi ³ mei a cimiterio ⁴ in capitulum, ut in die mee mortis ⁵ darem simul cum corpore meo ecclesie sancte Werburge Uptunam solutam et quietam ab omni re, ut elemosinam liberam, sicut ego ipse in illo die haberem eam in terris, in hominibus, in planis, in pascuis, in pratis, ⁶ in placitis, et in omnibus pertinentiis suis, pro anima ipsius ⁷ Hugonis comitis, et pro salute anime mee et animarum omnium parentum meorum.

Item quoniam ⁸ comes Hugo concesserat antea ecclesie sancte Werburge theloneum ⁹ et omnes redditus nundinarum trium dierum, id est a nona vigiliarum sancte Werburge usque ad vesperam sequentis diei ¹⁰ post solempnitatem, ego comes Ranulfus illud idem concedo et confirmo, constituens sicut ipse constituerat ut siue latro siue robator, ¹¹ siue aliquis malefactor venerit ad solempnitatem habeat firmam pacem dum fuerit in nundinis,

¹ E omits the address and continues: Rannulfus comes nepos Hugonis comitis dedit Uppetunam, cum omnibus ad eam pertinentibus, solidam et quietam, pro anima Hugonis auunculi sui, et pro anima sua et uxoris sue Lucie, et pro Rannulfo filio suo, et pro animabus omnium antecessorum et successorum suorum, concessu Rannulfi filii sui. Teste Willelmo fratre eius, Willelmo constabulario, Rodberto dapifero, Warino Banastro, Hugone filio Osberni, Osberto filio Hugonis et aliis multis.

² vobis pariter, omnibus Ch.

⁴ cymiterio W.

⁶ in pratis, in pascuis W.

⁸ quia L.

¹⁰ die W.

³ awunculi W.

⁵ mortis mee W.

⁷ predicti Ch.

⁹ So L; theloneum W.

¹¹ robbator W, roberator D.

nisi forte forisfecerit in illis; et si forte aliquis forisfecerit in nundinis omne placitum et forisfactum et iustitia a ministris abbatis et a vicecomite ciuitatis tractabuntur in curia sancte Werburge virginis; et ut vicecomes intentius et fidelius hoc agat, computetur et tallietur ei a meis camerariis in suam firmam quicquid monachi ex hiis omnibus acceperint.¹

Willelmus Meschin² frater meus³ dedit Deo et ecclesie⁴ sancte Werburge ecclesiam de Dissard⁵ cum omnibus pertinentiis suis, consensu Ranulfi comitis et Ranulfi filii sui.⁶ T[este] Willelmo clerico de Ruelant,⁷ Willelmo Flandrensi,⁸ multisque aliis.

Matheus de Ruelant⁷ dedit ecclesiam de Thurstanestona⁹ cum suis pertinentiis¹⁰ quando Simon frater eius factus est monachus. Teste Roberto de Petraponte,¹¹ multisque aliis.

Hugo filius Osberni¹² dedit unam mansuram in Cestria¹³ et unum pratum quod vocatur Kingeseya.¹⁴

Suueyn¹⁵ de Wethenhale¹⁶ factus monachus dedit duas bouatas, in Wethenhale,¹⁷ concedentibus filiis suis.¹⁸

Ricardus de Cruce dedit unam mansuram in Cestria¹⁹ in vico apud pontem et partem terre quam habuit in Morcetone,²⁰ cum²¹ vellet monachus fieri.²² T[este] Normanno filio suo, multisque aliis.²³

¹ E omits the whole paragraph Item . . . acceperint. It is shortened in Ch. to: Et quoniam H. comes antea concesserat ecclesie sancte Werburge ad festum translationis eiusdem priuilegia nundinarum, ego pariter ea concedo et confirmo. For an apparent copy of the original writ see the Addenda, *supra*.

² Meschinus E, W, Ch., Meschines L. See No. 45.

³ frater meus om. E.

⁴ ecclesie om. E.

⁵ Dissart E, W, Ch.

⁶ concessu Rannulfi filii sui (omitting Rannulfi comitis et) E.

⁷ Ruelent E, Roelent L.

⁸ E adds Willelmo pincerna, Matheo de Ruelent, Ricardo filio Berlei.

⁹ E; Thurstaneston Ch., Turstaniston L, Turstemeston(e) C.R., W (? for Tursteineston).

¹⁰ cum omnibus que ad eam pertinent E which om. quando . . . monachus, but adds the witnesses Rodberto Banastro, Ricardo filio Berley. W omits the whole entry.

¹¹ Petra ponti E, Petroponte L.

¹² Osberti E.

¹³ Cestra E.

¹⁴ Kingeshei E, Kyngesheye Ch., Kingeseia W, Kingseye, L.

¹⁵ Suuein L, Suuen W, Suein E, Sueyn Ch.

¹⁶ de Wethenhale om. E, Wetenhale Ch., Wetinhale W, Watenhale L.

¹⁷ Wetenhala E.

¹⁸ eius L.

¹⁹ Cestra E.

²⁰ So also L; Morsetona E, Morsetuna W, Morston Ch.

²¹ et L.

²² cum . . . fieri om. Ch.

²³ E has only: Ricardus de Cruce dedit unam mansuram in Cestra et Morsetonam. It inserts here: Willelmus de Muhald Deo et sancte Werburge Le Lay dedit pro anima sua et parentum suorum. Teste Hugone Malbeenc, Ricardo Pagano et aliis multis qui affuerunt.

Leticia de Malpas dedit Deo et sancte Werburge¹ unam mansuram² versus portam Clippe.³ T[este] et concedente Ricardo domino suo et fratre suo Ricardo Maillard,⁴ Nigello Chaldel,⁵ multisque aliis.⁶

Willelmus filius Andree dedit cum filio suo⁷ monacho facto unam magnam soppam⁸ inter domum Wynebaud⁹ et Hamundi¹⁰ in foro.¹¹

Hec sunt itaque dona que data sunt a me et a meis hominibus ecclesie sancte Werburge in meo tempore; quapropter concedimus et confirmamus tam ego quam homines mei non solum hec supradicta set et ea omnia que comes Hugo meus auunculus vel Ricardus comes eius filius aut eorum homines dederunt ecclesie sancte Werburge, deprecantes et precipientes cunctis nostris amicis et hominibus, tam presentibus quam futuris quatinus¹² ea omnia sint stabilia, soluta et quieta, et ut elemosina ab omni re ita libera ut nihil¹³ libertatis possit eis addi ulterius quia nichil retinemus in hiis exceptis orationibus.

Adhuc etiam concedimus et confirmamus sicut predicti comites et eorum homines antea confirmauerunt, ut beata Wereburga habeat de cunctis rebus curiam suam, ita quod abbas illius loci non placitet usquam contra aliquem de aliqua re ad ecclesiam pertinente extra curiam suam. Et ut ego comes¹⁴ darem exemplum posteris veni ipse propter unum placitum in curiam abbatis, audiens et suscipiens ibi meum iudicium, non a meis sed a iudicibus abbatis, ut in omnibus haberet beata Wereburga ius sue dignitatis imperpetuum.¹⁵

¹ E inserts Paruam Cristentonam et Bechiam et.

² masuram Ch.

³ versus . . . Clippe: E substitutes in ciuitate.

⁴ Maillard[o] E, W. E inserts Rodberto Grefesac here.

⁵ From E, W; Chaldell L, Chaundell C.R.

⁶ E inserts here: Sweinus faber dedit unam mansuram ante ecclesiam sancte Werburge. Hugo filius Osberti dedit alteram iuxta illam pro dimidia Wereburtuna.

⁷ Andrea filio suo E which om. monacho facto.

⁸ sopam E, scoppam W, Ch., shoppam L.

⁹ Wyneband MS., Winebalt Ch., Winebaldi vicecomitis E, Winehald Ch.

¹⁰ From E, L; Hamundum W, Hammit C.R.

¹¹ in foro om. E, Ch. E adds here: Vtredus Walensis dedit unam mansuram cum croftis liberam et quietam ab omni re, with which it closes its recital of the gifts of Ranulf and his barons.

¹² quatenus L.

¹³ nichil Ch.

¹⁴ comes Ranulphus L.

¹⁵ The copy in Ch. closes here, adding in the margin: Hanc cartam dominus Rogerus de Mortuo Mari ad inspeccionis test[imonium] de verbo in verbum transcripsit et sigillo suo muniuit (see No. 32, which is not, however, inspected by Mortimer himself).

Ut¹ igitur sic sint omnia, sicut supradictum est, libera, confirmamus² ea hinc³ sancte crucis signo ✠ hinc⁴ meo sigillo, hinc horum virorum testimonio, scilicet⁵ Willelmi Meschini,⁶ Willelmi constabularii et⁷ Radulfi dapiferi, Hugonis Malbanc, Ricardi Banastre, Hugonis filii Osberni, Osberni⁸ filii Hugonis, Roberti de Maci,⁹ Roberti filii Bigoti,¹⁰ Ade de Praers, Gaufridi capellani, Turgicii^{10a} doctoris, Ricardi filii Nigelli. Signum ✠ Ranulfi comitis. Signum ✠ Willelmi Meschini. Signum ✠ Willelmi constabularii. Signum ✠ Roberti de Palmas. Signum ✠ Radulfi dapiferi. Signum ✠ Hugonis Malbanc. Signum ✠ Ricardi Banastre. Signum ✠ Hugonis filii Osberni. Signum ✠ Osberni filii Hugonis. Signum ✠ Roberti de Macy.

This charter has a more normal (though meagre) address than the confirmations attributed to the other three Norman earls of Chester.¹¹ It presents some difficulties, however, the most serious of which is the inclusion among the witnesses to the Upton grant, some of whose names are luckily preserved in the Eaton charter, of Robert (de Monte alto) the steward (*dapifer*).¹² For one of the witnesses of the confirmation of this and the other grants recited is his father Ralph the steward. It may be urged that, as some great feudal lords had more than one steward, father and son were in this case holding the office simultaneously. This is, however, only surmise. There is no actual proof that Robert succeeded his father in Ranulf I.'s time (1121-1129),¹³ but an entry in the Pipe Roll of 31 Hen. I.¹⁴ seems to leave the possibility open. William, son of Hugh fitz-Norman,¹⁵ Robert's cousin, accounted for a large sum due to the king for his father's land in Suffolk "quam Radulfus dapifer comitis Hugonis ten'." ¹⁶ This would seem to imply that Ralph was dead by 1130, though the presumption is perhaps that he had died not long before. If that was so, a joint tenure of the stewardship by Ralph and Robert or an error in the attestation clause of the Upton grant would alone save the reputation of Ranulf's charter, for since it omits no less than five

¹ Et ut L.

² confirmauimus W.

³ hinc ea W.

⁴ sancte crucis signo ✠ hinc om. W.

⁵ W gives the names in the nominative, removes the last witness to the third place in the list and substituting multisque aliis for the names of the chaplain and doctor omits the signa altogether.

⁶ le Meschin W.

⁷ et om. W.

⁸ Osbertus W.

⁹ Masci W.

¹⁰ Bigot W.

^{10a} Gurgicii, MS.

¹¹ For a discussion of their authenticity see Introduction, pp. xxxv. The word *pariter* here is difficult to construe, and perhaps points to an omission.

¹² Page 58.

¹³ He appears in a charter dated c. 1120 in *Staffs Hist. Coll.* iii. 187; Orm. i. 15; and Farrer, *Lancs Pipe R.* 327, but clearly a grant of Ranulf II.

¹⁴ Ed. Hunter, p. 96.

¹⁵ For this William de Muhald or Mold see p. 51.

¹⁶ Tenet is the usual extension, but tenuit can be paralleled. For joint holdings of Hugh fitz-Norman and Ralph in Cheshire see p. 33.

grants given in the Eaton charter; two of which are very important; it can hardly belong to the last years of his earldom.¹

The first of the gifts recorded in both charters, Ranulf's grant of the manor of Upton by Chester, of which the abbey already possessed the tithes, presents two points of interest. In the first place, there is some evidence that St. Werburgh thereby regained a property which she had lost before the Conquest.² Secondly, the gift was a *post obit* one, like the earlier grant of Weston-upon-Trent,³ though in this case the details of the conveyance are withheld. The earl retained the enjoyment of the manor for his life.

The other acquisitions included in both charters were of no great importance. They included the township of Moston near Chester,⁴ two oxgangs in Wettenhall, and a couple of churches—those of Dyserth near Rhuddlan, the gift of the earl's brother William le Meschin, afterwards lost, like most of the abbey's Welsh property, and Thurston in Wirral, given by Matthew de Rhuddlan, whom Ormerod⁵ conjectures to have been an illegitimate son of the "marchio" Robert de Rhuddlan, the Domesday holder of the vill. He founded a family which took the local name.

Of the gifts recorded by the Eaton charter alone, perhaps the most valuable was that of (a moiety of) Lea-cum-Newbold by William de Mold (de Monte alto); Ralph, son and successor of William's cousin Robert the steward, gave the church of Neston to the abbey under Henry II. as compensation for injuries done to it by himself and his predecessors, "especially in regard to (Le) Lay."⁶ This seems to imply that Lea was resumed by the stewards on coming into the inheritance of the grantor and not later as part of the hard bargain made with the abbey in 1258 by Roger de Mold,⁷ a mere guess of Ormerod's in plain contradiction with the text of the agreement.⁸ The Molds or Montalts seem to have accepted the nominal superiority of the abbey in Lea, but, except possibly in the first years after the grant, it reaped no advantage from it.

Bache and Little Christleton were added by Leticia de Malpas,

¹ Leycester dated it *c.* 1124.

² See p. xviii.

³ See p. 30.

⁴ The confirmation says the donor only gave "the part he held," but the Eaton charter has no such qualification, and the whole vill was certainly held by the abbey at a later time. In the thirteenth century it was thought to have been a gift of Hugh I. (Orm. ii. 818).

⁵ ii. 503.

⁶ *Ibid.* ii. 535; No. 527.

⁷ *Ann. Cestr.* 76.

⁸ Orm. i. 251, ii. 535 (where he ascribes the agreement to Roger's father and namesake), 764. On the page last mentioned he falls into incredible confusions, identifying William the grantor with William brother of Ralph the steward and rector of Neston *temp.* Henry II. (not Richard I.!), who agreed to the alienation of his church to the abbey; and making the extraordinary statement that after William de Mold's grant of Lea "the abbot would of course hold the gift not from the grantor but in free alms from the earl, as fixed by the foundation charter"!

apparently after the date of the confirmation, to her gift of a house in Chester. There seems no proof that the abbey was ever in actual possession of the second of these estates. Ormerod carelessly identifies *Little* Christleton with the whole manor,¹ and is thus driven to invent a resumption by the barons of Malpas, but elsewhere he speaks vaguely of a probable paramount interest of the abbey in at least some parts of Row Christleton and Little Christleton.² He gives no reference, however, except to a gift in the thirteenth century by Robert de Cholmondeley, and this was certainly not in Little Christleton.³ Of the other grants peculiar to the Eaton charter the most interesting is Hugh fitz-Osbern's exchange of a messuage in Chester for a moiety of Warburton.⁴ This was apparently a redemption of an unrecorded gift of the latter, which in 1086 had belonged to Hugh's father, Osbern fitz-Tesson. The exchange illustrates the value of tenements in Chester. Five others were acquired by the abbey in Ranulf I.'s time.

Three of the gifts mentioned above were made on the occasion of the donor or a relative becoming a monk in the abbey.

7. Grant by Earl Ranulf (? II.) to the abbey of a fair and stalls for traders and a market for all goods before the abbey gate, the monks to put up the stalls at their own expense and to let them to traders for the profit of their church. No merchant, or trader, or leather-dresser, or shoemaker, or any artisan wishing to buy or sell anything is to do so elsewhere while the fair lasts. Offenders to be arrested with their goods by the sheriff of the city and the officials of the abbot and detained until they find sureties for their appearance in the court of St. Werburgh. This gift the earl offered on the altar of St. Werburgh in the presence of his barons.

From Charter Roll 73, 13 Edw. I. m. 11, No. 38 (C.R.), collated with the abstract in the chartulary (Ch.). Pd. in Dugd. *Mon.* ii. 388, No. vii. from C.R.

Rannulfus comes Cestrie constabulario, dap[ifero], iustici[ario?], et nominatim vic[ecomitibus] atque ministris suis Cestr[ie], tam presentibus quam futuris, et omnibus hominibus suis, Francis et Anglis, salutem. Uniuersitati vestre notum facio me concessisse in elemosina imperpetuum Deo et sancte Marie et monachis ecclesie sancte Werburge pro salute anime

¹ Orm. ii. 778.

² *Ibid.* 783.

³ Nos. 843-4.

⁴ Warburton is "Werburgh's town," and the church is dedicated to St. Werburgh; but the latter is said not to be older than the reign of Henry II., and the township may take its name from an Anglo-Saxon proprietress rather than from the saint. There is no hint of its ever having belonged to the canons of St. Werburgh. Dodleston had 15 houses in Chester (D.B. i. 268b).

mee, et pro salute animarum omnium meorum antecessorum, nundinas et mentoria¹ mercatoria, atque forum omnium venalium² fieri ante portam eorum monachorum, ita uero quod ipsi monachi faciant ex suo mentoria³ mercatorum, conducentes ea postea mercatoribus in quantum poterint ad proficuum ecclesie eorum.⁴ Quapropter prohibeo super amorem meum ut nec mercator, nec institor,⁵ nec permentarius,⁶ nec coruesarius, nec ullus minister volens vendere uel emere, non vendat nec emat aliquid alicubi nisi ibi quamdiu nundine durauerint. Et si quisquam deprehensus fuerit, et vendere uel emere aliquid alias extra hunc locum [? attemptauerit] precipio vicecomiti ciuitatis quicumque fuerit super amorem meum et forisfactum meum ut ipsi⁷ et ministri abbatis cum eo eant et accipiant ipsum mercatorem cum sua mercacione, retinentes eum donec inueniat fideiussores faciendi rectum in curia sancte Werburge. Volo etiam atque firmiter precipio ut super omnia hec eleimosina bene et integritur manuteneatur, ne mea oblatio quam ego ipse optuli super altare sancte Werburge coram meis baronibus in aliqua re disturbetur; ego enim optuli eam propria manu super altare coram testibus.

In the heading prefixed to this grant in the chartulary it is attributed to Ranulf I., but in the Eaton Hall charter his son claims it as a grant of his own,⁸ and it is also assigned to the younger Ranulf in the Charter Roll. An error in attribution is not unknown in chartularies.

- 8.** Confirmation by Earl Ranulf II. of the gifts (set out in detail) made to the abbey by his predecessors and their barons, etc., with a statement of his own grants and those of his barons. c. 1150.

Original at Eaton Hall, Chester, Grosvenor MSS. No. 1. Partially transcribed in the chartulary. Full seventeenth century copies in Dodsworth MS. xxxi. ff. 1, 5d (Bodl. Lib.), and Harley MSS. (Brit. Mus.) 2060, ff. 65d-67d (old, 123-7), and 2071, ff. 112d-113 (old, 106-8).

IN NOMINE PATRIS et filii et spiritus sancti. amen.

[Col. 1.]

⁹ Sanctorum prisca auctoritate patrum qui in nomine patris et filii et spiritus sancti in sancta ecclesia regiminis gubernacula hactenus tenuerunt. quique suos adiutores sanctęque ecclesię fundatores sua nobis industria suorumque scriptorum longa

¹ tentoria D. For mentoria in a rather different sense see Ducange, *s.v.*

² in translatione sancte Werburge added in Ch.

³ emptoria Ch., tentoria D.

⁴ ad commodum suum locanda Ch.

⁵ nec institor om. Ch.

⁶ pelliparius Ch. See No. 381a.

⁷ Sic in C.R.

⁸ See p. 59.

⁹ For a collation with the charters of the first three earls see Nos. 3, 5, 6.

traditione cognitos reddiderunt admoneri uidemur. ut ea quę a temporaneis nostris in sanctę ecclesię matris exaltatione facta sunt presentibus per nos manifestentur. posterisque dinoscenda nobis scribentibus reseruentur. Nos igitur maiorum imitantes exempla iam quedam pietatis opera referamus. quę in Anglica terra gesta sunt a HUGONE Cestrensi comite. anno ab incarnatione domini millesimo nonagesimo tercio regnante potentissimo rege Willelmo. atque in archiepiscopatu Cantuariensi pontificante Anselmo. atque in Eboracensi¹ pontificante Thoma. Uolumus uero ut religiosi atque fideles Christiani cognoscant quia iccirco nobis ista describere placuit ut qui ea relegerint uel audierint Deum supplicabili affectu pro sanctę ecclesię fundatorum salute implorent. et ut presentes ad regna cęlestia tendentes etiam inter ętatis huius primates quos sequantur inueniant.

Igitur ad laudem et gloriam summę et individue Trinitatis atque incomprehensibilis Diuinitatis iam proferamus que nos dicere spopondimus. HUGO Cestrensis comes atque Ermentrudis cometissa. deuotioni religiose pia mente subditi. piissimęque Dei uisitatione inspirati. in quadam ecclesia quę constructa est in honore sanctę WERBURGę uirginis in ciuitate Cestrę monachos religiose uiuentes posuerunt. concedente rege Willelmo. qui Deum assidue exorarent tam pro utilitate animę regis Willelmi et Willelmi patris eius nobilissimi regis. et matris eius Mathildis reginę. fratrumque et sororum eius atque regis Eduuardi quam pro animarum suarum salute et pro animabus patrum et matrum et antecessorum heredumque et parentum et [baro]num suorum. omniumque Christianorum tam uiuorum quam defunctorum.

Huic uero ecclesię sanctę Werburgę HUGO supradictus comes et Ermentrudis cometissa possessiones priores liberas imperpetuum et quietas concesserunt. et de suis augmentauerunt. habitationique monachorum abilem reddiderunt. eamque abbatiam nulli omnino abbatie subditam fecerunt. postea in ea monachos. et abbatem deo donante et supradicto rege Willelmo concedente constituerunt. Hanc etiam et quicquid ad eam pertinet abbati et monachis dederunt. Videlicet Ynes. Saltonam. Suttonam. Ceueleiam. Huntitonam. Bostonam. Weuenam. Crostonam. Trochfort. Clistonam. Estonam. Vuisdeleth. Hodesleiam. Weupram. et dimidiam Rabbi. et terciam partem de Nestuna. et terciam partem de Salhala. et terciam partem de Staneia. et dimidiam partem de Leche. et unam carrucam terre ad Pulforth. et terciam partem de Burewardesleia. et Edinchale. et Sotewica.

¹ Eboriacensi MS.

Insuper etiam dederunt huic ecclesię in ipsa ciuitate de suo dominio uicum a porta de North usque ad ecclesiam. et locum unius molendini ad pontem ciuitatis. et duo maneria in Angliis. unum autem in Ros. unum in Wirhalle. Erberiam. et in Lindesei terram decem boum. et post obitum comitis uel cometisse; Westonam cum appendiciis suis in Derbesiria.¹ et rectam decimam de piscatorio² Etone. et omnium quę ei pertinent. et decimam de Frodesham de molendino de piscatoria. et de pullis equarum. et de [Col. 2.] Weuerham. et de Vfre.³ et de Lech. et de Roecestra. et de Haurdina. et de Colesul. et Bissopestred. et de Uppetuna. de Estham. et de Campedene. et decimam piscatorium de Ruelent. et decimam Anglii de dominio suo. etiam de nauibus. Ecclesiam et terram ecclesię et decimam de dominio de Danefort. et de molendinis. Horum omnium supradictorum maneriorum rectam decimam in omnibus dederunt. in pullis. in uitulis. in ouibus. in porcis. in lana. in caseis et in aliis rebus quę decimari debent.

Donum Westunę Ermentrudis com[it]issa iussu comitis HUGONIS posuit super altare coram domno Anselmo archiepiscopo Cantuarię et baronibus suis. Ea die seisierunt sanctam Werburgam de Westona per decimam eiusdam Westonę. et per ecclesiam et terram ecclesię Estonę. et per terram unius carruce. quam tunc presenter exhibuerunt. reliquam uero partem omnem liberam et quietam in elemosina semper in posterum post discessum illius qui prius obiret concesserunt. Quin etiam baronibus suis concesserunt ut unusquisque post obitum suum rectam partem omnis substantię suę prefatę abbatę daret. et centum solidatas terre. aliis autem secundum posse suum. Teste reuerendo domino Anselmo archiepiscopo. Herueio episcopo. Balduino monacho. Rodberto filio Hugonis. Willelmo constabulario. Willelmo Malbanc. Rannulfo dapifero. Radulfo dapifero. Hugone filio Osberti. Ricardo Banastro. Hamane de Maceio. Gilleberto de Venables. Ricardo de Vernon. Ricardo de Rullos. Bigod des Loges. Rannulfo Venatore. aliisque quam plurimis.

Willelmus Malbeench dedit huic abbatę sanctę Werburgę Witeberiam. et terciam partem Weuprę. et ecclesiam et decimam de Tatenhala. et terram duobus bobus. et decimam de Salchale. et de Claituna. et de Yraduc. Teste cometissa. Ricardo Banaste. Hugone Osberti filio. Bigod des Loges. Ricardo pincernario. et Sirardo.

Rodbertus filius Hugonis capellam Cristentunę et terram capellę. et terram cuiusdam rustici ipsumque rusticum. et quoddam molendinum. terramque ipsius molendini. et chotam Ordrici.

¹ See pp. 17, 26.² *Sic.*³ See No. 119.

ipsum Ordricum. et quendam campum iunctum huic cote. et Cryu. et quendam salinam in Fuleuuic. et duas masuras in ciuitate. et paululum terre iuxta Bochtunestan. Hoc donum concessit HUGO comes. Teste Willelmo Nigelli filio. et fratre eius Ricardo. Rannulfo dapifero. Bigod. Hammone de Maceio. Hugone Osberti filio. Hugone Normanni filio. Fulcone de Baiunuilla. Vnfrido de Costentin.

HUGO filius Normanni et Radulfus frater eius partem suam de Lostoch. et ecclesiam de Cotituna. et terram ecclesie. et decimam. et de Lay. Teste Willelmo Malbeench. multisque aliis.

Ricardus de Vernon decimam Estone et Pichetone.

Ricardus de Rullos ecclesiam et decimam Waueretone. et Hottone. et Clotone. et molendini Clotone.

Billeheld uxor Baldrici Pecfortunam. Teste Normanno de Arrecio. multisque aliis.

Radulfus Venator terram trium carrucarum in Brochetuna.

Hugo de Mara Reddecluam. concedente comite. Teste cometissa. Willelmo Nigelli filio. multisque aliis.

Nigellus de Burceio decimam de Stortuna et de Grauesbyri. et quartam partem de Grauesbyri tam de luco quam de plano. Teste Garatin fratre eius. Ricardo de Rullos. Willelmo filio Huberti. Gisleberto de Blayne.

Radulfus Ermuini filius et uxor eius Claricia. terram in Ode-cerce ad octo boues. et decimam de Berlestona in Wirhale. et de Uerulestane in Wicesfeld. et de equabus suis ubicunque sint. Teste Godefrido mercatore. et Nigello. multisque aliis.

Rodbertus de Tremonz Tideluestan. Teste Rannulfo fratre suo. Rodberto dapifero.

Wascelenus nepos Walterii de Vernon. quendam agricolam. et terram quatuor boum in Nessa. et decimam de Prestona. et terciam partem tocius substantie sue. et uxoris eius. Teste Gisleberto. Wulmaro archdiacono.¹

Sirard capellam de Bedintone. et terram quatuor boum. et decimam illius manerii. et decimam de Bromhale. et de Waleie et de Maynes. et de Westone. et de Wille. et post obitum omnem substantie sue et uxoris sue de Cestresyra. et de Mannis. Teste Willelmo conestabulario. Hugone Osberti filio. et Wimundo de Col.

¹ As Halmar he heads the list of archdeacons of Chester in Ormerod (i. 113) and Hardy's *Le Neve* (i. 565), the ultimate source given being Earl Richard's charter, but clearly the Eaton charter or a transcript which had been seen by one of the eighteenth century antiquaries from whom the fact was immediately derived.

Ricardus de Mesniluuarin decimam de Blachenoth. de annona. de piscatoria. et de omnibus de quibus decima debet dari. Teste Rogero fratre suo. et Rannulfo de Beurello. et Rannulfo de Walebruno.

Rannulfus filius Gocelini concessit decimam suam sicut pater suus dedit eam.

Rodbertus Putrel terram unius carruce a Maclesfeld. Teste Waleranno de Baro. et multis aliis.

Walterius de Vernon decimam equarum suarum.

Comes nauim unam cum decem retibus ad piscandum in Angliis imperpetuum liberam et quietam. Ad festum sanctę Werburge in estate concessit feiriam trium dierum. Teste cometissa. Willelmo pincerna. Hugone camerario. Willelmo Malbeenc. Ricardo Banastro.

TESTIMONIUM ANSELMI ARCHIEPISCOPI.¹

Post obitum HUGONIS comitis. Ricardus comes filius eius dedit pro anima illius Deo et sanctę Werburge terram Wlfrici prepositi foris portam de North. et molendinum de Beche. et tres mansuras quietas et pacatas. duas in ciuitate et unam extra murum. Teste Willelmo conestabulario. Walterio de Vernona. Radulfo dapifero. et aliis multis.

Willelmus constabularius dedit Neutonam. Teste Radulfo dapifero. et aliis multis.

Hugo Malbeench dedit unam salinam in Wico suo. Teste Adaliza matre sua. Ricardo de Praeres. et Gutha. et aliis multis.

Hugo filius Normanni Gosetro et Lautonam. Teste Hugone de Laci. et Rogero filio² Normanni. et Sirardo. et aliis multis.

Ricardus de Praeres dedit Cnoctyrum. Teste Willelmo et Adam filiis suis. et Lamberto.

Corbin dedit unam carrucam terre in Wirwella.

Roes uxor Pigoti et Hamundus de Maci dederunt Norwrdinam. et ecclesiam cum omnibus que ei pertinent. concedentibus et testibus filiis eorum.

Rogerus de Manniluuarini dedit Plumleyam cum Widone filio suo. Teste Willelmo. Rannulfo filiis suis.

Ricardus pincerna dedit ecclesiam sancti Olafi. et duas mansuras in ciuitate.

Rannulfus Venator dedit Bradefort et unam salinam in [Col. 4.] Northwich. concessu Ricardi comitis et Hugonis de Vernon.

¹ Omitted here because printed in No. 4.

² filius MS.

Bourel dedit ecclesiam de Haliewelle et decimam suam et de molendino suo.

Herbertus Wombasarius dedit terram iiii^{or} boum in Hole.

Rogerus de sancto MARTINO dedit terram duorum boum in Bebintona.

Willelmus de Punterleya dedit Butauari cum omnibus appendiciis suis. id est ecclesia et totum manerium solidum et quietum. et siluam Lestone. ad rogum faciendum. et ad communem usum domestici operis. concessu Herberti filii sui. et Alueredi domini sui. et Ricardi comitis. Teste Willelmo constabulario. Ricardo Banastro. Willelmo pincerna. et aliis multis.

Hugo de Vernon vnā mansuram in Cestra. solidam et quietam.

Rannulfus comes nepos Hugonis comitis dedit Uppetunam cum omnibus appendiciis suis. et omnibus ad eam pertinentibus solidam et quietam. pro anima Hugonis auunculi sui. et pro anima sua et uxoris suę Lucię. et pro Rannulfo filio suo. et pro animabus omnium antecessorum et successorum suorum. concessu Rannulfi filii sui. Teste Willelmo fratre eius. Willelmo constabulario. Rodberto dapifero. Warino Banastro. Hugone filio Osberni. Osberto filio Hugonis. et aliis multis.

Willelmus Meschinus dedit Deo et sanctę Werburge ecclesiam de Dissart. concessu Rannulfi filii sui. Teste Willelmo clerico de Ruelent. Willelmo Flandrensi. Willelmo pincerna. Matheo de Ruelent. Ricardo filio Berlei. et aliis multis

Matheus de Ruelent dedit ecclesiam de Thurstanestona cum omnibus que ad eam pertinent. Teste Rodberto de Petra ponti. Rodberto Banastro. Ricardo filio Berley.

Hugo filius¹ Osberti dedit unā mansuram in Cestra. et unum pratum quod uocatur Kingeshei.

Suein dedit duas bouatas in Wetenhala. concedentibus filiis suis.

Ricardus de Cruce dedit unā mansuram in Cestra. et Morsetonam.

Willelmus de Muhald Deo et sanctę Werburge Le Lay dedit pro anima sua et parentum suorum. Teste Hugone Malbeenc. Ricardo Pagano. et aliis multis.

Leticia de Malpas dedit Deo et sanctę Werburge Paruam Cristentonam et Bechiam. et unā mansuram in ciuitate. Teste

¹ The scribe had originally written Hugone and in correcting was content to leave Hugo felius.

et concedente domino suo Ricardo. et fratre suo Ricardo Mailardo. Rodberto Grefesac. Nigello Chaldel. et aliis multis.

Sweinus faber dedit unam mansuram ante ecclesiam sanctę Werburge.

Hugo filius Osberti dedit aliam iuxta illam. pro dimidia Wereburtuna.

Willelmus filius Andree dedit cum Andrea filio suo Deo et sanctę Werburge magnam sopam scilicet inter domum Winebaldi uicecomitis et Hamundi.

Vtredus Walensis dedit unam mansuram cum crophtis liberam et quietam ab omni re.

In nomine domini nostri Ihesu Christi. Ego secundus Rannulfus comes Cestrie concedo et confirmo has omnes donationes quas mei antecessores uel barones eorum dederunt, dans etiam ex meo proprio dono pro salute anime mee parentumque meorum decimum denarium uniuersi redditus mei de ciuitate et de omni pisce qui capitur in aqua de De. Adhuc concedo Deo et sancte Werburge ut loges mercatorum fiant ante portas monachorum, ita quod monachi accipiant inde redditus, precipiens super meum forisfactum ne aliquis emat uel uendat aliquid in nundinis sanctę Werburge nisi ibi. Do etiam ecclesiam sanctę Marie de Castello et duas mansuras ante portas monasterii. unam scilicet Hugonis presbiteri. qui uocatur le Leure. et alteram Suargari pelliparii. et terram Haagne de Chel.¹ Et decimam molendinorum meorum de Cestrassiria. Teste Roberto dapifero. Normanno de Verd[on]. Roberto Banastro. Gileberto de Venables. Willelmo Malbanc. Willelmo filio Dunecan. Chatwaladro rege Nortwaliarum. Willelmo de Mannilwarini. Roberto de Maci et Simon[e] fratre ² eius. et Roberto filio Picod. et aliis multis.

Robertus de Maci et Simon frater eius dederunt Deo et sancte Werburge octo bouatas in Bacfort. cum omnibus rebus illis bouatis pertinentibus solutas et quietas ab omni seruicio et ab omni re.

Simon filius Willelmi dedit decimam molendini sui de Bretebi. Testibus et concedentibus filiis suis et Hugone de Petraponte.

Alanus de Vilers dedit Deo et sancte Werburge Litegade cum omnibus rebus eidem uille pertinentibus solutam et quietam ab omni seruicio et omni re. Teste Ricardo pincerna. et Ricardo [Col. 5.] Fitun. et Willelmo filio Duning.

Et sciant tam presentes quam futuri quod ego iunior Rannulfus, comes Cestrie. tum pro utilitate et honore ecclesię. tum pro abbatis et monachorum fratrum nostrorum prece tum quod maximum est

¹ See No. 51.

² frater MS.

pro salute anime mee, confirmo et corrobore mea auctoritate et meo sigillo quęcunque continentur in hac carta. scilicet omnes donationes quas mei antecessores comites et barones uel milites uel burgenses dederunt Deo et sancte Werburge. Et hanc confirmationem in thesauris ecclesię in testimonium posteris repono. Et precor amicos. et precipio super fidem mihi debitam meo heredi omnibusque meis hominibus tam futuris quam presentibus quatinus hec omnia tam mea quam antiquorum dona sint stabilia. integra. et rata. et ita ab omni re et consuetudine libera. sola. et quieta. ut nichil libertatis nec in placitis nec in consuetudinibus uel in aliquibus rebus possit eis addi ulterius.

Valete. Valeant omnes fideles in Christo.¹

The scribe of the chartulary omits the recitals of the gifts of previous earls, having already transcribed their charters, but feels bound to notice some of the more glaring discrepancies between them before he copies out Ranulf's confirmation.

[f. 5 (2) d.] Sciendum quod secundus Ranulfus comes quartus donaciones in sua magna carta confirmauit quas antecessores sui uel milites uel barones uel burgenses ecclesie sancte Werburge fecerunt que in cartis Hugonis primi comitis, et Ricardi secundi² comitis et Ranulfi patris sui continentur et eas in carta sua contineri fecit ; et quedam in eius carta apponuntur que in ceterorum comitum cartis scripta non fuerunt, videlicet donacionem tercię partis de Staneya in sua carta inter donaciones Hugonis primi comitis posuit que in carta predicti Hugonis non est posita. (Item inter donaciones Ricardi comitis in carta magna dicit quod Willelmus³ de Malbanc vnam salinam in Wico quod in carta Ricardi comitis non ponitur.)⁴ Item, inter donaciones Ranulfi patris sui in carta magna dicit quod (Matheus de Ruuelant dedit ecclesiam de Thurstaneston), Willelmus de Moalt dedit Le Lay, Leticia de Malpas dedit Cristentonam et Bechianiam, Sveyn faber dedit vnam masuram ante ecclesiam sancte Werburge, (Hugo filius Osberti dedit alteram pro dimidia Werburgtuna), Vtredus Walensis dedit vnam masuram cum croftis, que in carta Ranulfi patris sui non continentur. Hec forte in prioribus confirmationibus negligenter omissa fuerunt quamuis generaliter forte prius confirmata erant, uel post confirmationes scripture commendatas ecclesie sancte Werburge data fuerunt. Hiis itaque in carta

¹ For Archbishop Theobald's confirmation of the possessions of the abbey, which follows, see No. 19.

² et MS.

³ *Rectius* Hugo.

⁴ The passages placed in brackets are crossed through with the pen in the MS

magna recitatis, posuit predictus Ranulfus comes quartus proprias donaciones et donaciones aliorum in tempore suo factas, et deinde omnes donaciones predictas tam veteres quam novas confirmavit, dicens . . .

It will be observed that the scribe confines himself to recording the additions, or what he at first thought to be additions, of the "Great Charter" of Ranulf II. and takes no notice of its omissions, which on the theory of the genuine character of the charters of the first three earls are more difficult to explain.¹ Three of the additions at first set down were afterwards struck out either by the scribe himself or by some later hand. In the case of Thurstaston church the correction was justified, the mistake being evidently due to the use of the Windsor text of the charter of Ranulf I. from which this grant was accidentally omitted. The other deletions seem to rest on misunderstandings. Hugh Malbank's gift of a salhouse at Nantwich was probably cancelled as an addition, because it was remembered that a similar grant was attributed to his father William (hence the slip in the Christian name) in the charter of Hugh I.; but of course the entry in the Eaton recital remained an addition to *Richard's* charter. The striking out of the exchange of half Warburton for a house in Chester with Hugh fitz-Osbert (Osbern) may be attributed with some confidence to a suspicion that the house was identical with the one the gift of which by Hugh along with Kingshey had already been recorded. But as the Eaton charter gives both grants the presumption is that they were separate gifts.

After the note given above Ranulf II.'s confirmation is transcribed in full, but Archbishop Theobald's is reserved for a separate entry (No. 19). This seems to be the only known mediaeval record of the remarkable document which is now the oldest surviving original from the abbey archives. It was not, as far as we know, included in any *inspeximus*. It next appears at the beginning of the seventeenth century in the possession of the Grosvenors of Eaton Hall, where it was copied for Roger Dodsworth,² the pioneer of the *Monasticon Anglicanum*. As Dodsworth describes its then owner as Richard Grosvenor *esquire*, and the last head of the family of that name and rank died in 1619, it was apparently acquired between the Dissolution and that date. It bears a minute trace of its change of owners in an "o" in the margin opposite the name of Rannulfus venator in the three places where he occurs as grantor or witness, the suggestion—an unfounded one—being that he was an ancestor of the Grosvenors. A note appended to the two Randle Holmes' copies in the Harley

¹ *E.g.* the Astbury, Caldy, and Wightreston grants in the founder's charter. See the textual notes on the charters and pp. xl. *sqq.*

² See above, p. xxix.

MSS.,¹ that "the originall hereof is in the custodie of John Edwards of Cheveley and hath twoe seales at it," might seem inconsistent with so early a Grosvenor possession. Edwards, who is known to have had other abbey charters in his custody, was born about 1563 and died in 1637. But the difficulty is perhaps not insurmountable. Either Randle Holme I. (1571-1655) saw the charter in Edwards' hands before it passed to Richard Grosvenor, or Edwards was merely a bailee. He is described as of Eaton as well as of Cheveley, which itself is close by. A third possibility, suggested by the absence of any mention of seals in Dodsworth's transcript, that the Grosvenors at first had only a copy and afterwards acquired the original from Edwards, seems improbable. Dodsworth himself was very careful to describe seals, but his transcriber in this case may quite well have ignored them.

In its safe depository the charter soon dropped out of sight. Even Leycester in 1673 shows no knowledge of it. Ormerod in 1816 knew only the imperfect transcript in the chartulary. It was not until the visit of the British Archaeological Association to Chester in 1849 that the original was again brought to light and aroused a good deal of rather uncritical interest.² Nevertheless, Helsby in his edition of Ormerod (1882) made no mention of it. Such an oversight was rendered more difficult for the future, and an impeccable text was placed at the disposition of every student by the reduced facsimile of the charter which Canon R. H. Morris had made as a frontispiece to the volume of the *Journal of the Chester Archaeological Society* for 1897-99. Some features of the document, however, other than its text, especially its sealing arrangements, can still only be properly understood by an examination of the original.

The form of the charter is unusual, if not unique. None of the eminent experts who have inspected it during its recent sojourn in the British Museum, including Mr. J. P. Gilson, the director of the department of MSS. there, Sir Maxwell Lyte, and Mr. Charles Johnson of the Record Office, has ever seen one like it. A large sheet of parchment, twenty-three inches long and nearly sixteen wide, has the text written in five columns of which the lower half of the fifth is left blank, though this was ruled for writing with the rest, as the remains of the lines and the compass punctures in the side margins prove. These margins are slight, but there is a wider one at the top and nearly two inches at the bottom, half of which is turned up as an overlap for the attachment of the seals. The document is folded inwards by vertical

¹ See above, p. 53. The copies were not however taken from the original but from an official copy made by Thomas Case, clerk of the cathedral chapter. Case was attorney in the Court of Exchequer at Chester and died July 23, 1634 (*Trans. Rec. Soc. of L. and C.* vi. 60).

² *Journ. Chest. Arch. Ass.* (O.S.) i. 156 sqq., 476; *Journ. Brit. Arch. Ass.* vi. (1851) p. 317 (bad text by Planché).

folds between the columns, to the width of one column, thus very effectively protecting the text from exposure to dust, etc., and the whole is then folded across to go into a smaller space. This latter fold was foreseen before the charter was written and, to prevent its rubbing the text within, the columns were broken right across at this point and a sufficient blank space left to take the rubbing. Time, however, has shown that this ingenious precaution was hardly needed. The fold being in the nature of the case a loose one has caused little or no rubbing on the inner face. On the outer face of the document thus folded a brief summary of its contents has been written in two hands, one of which may be of the fourteenth century and the other is certainly of the fifteenth. It is much effaced by dust and handling, but the words "*perhibicio testimonii Anselmi*" (see No. 4) and "*libertates et consuetudines*" are still visible.

When Randle Holme saw the charter before 1637 it had two seals "at it." That attached below the bottom of the first column (left) has disappeared though its parchment-tags remain. At the opposite end below the fifth column a seal is still in position, but on red and green cords. The system of attachment is the same in both cases. As it cannot be properly studied in the facsimile owing to the turning down of the greater part of the overlap to include some writing on its inner face, and the turning back of the part below the fifth column to bring the seal into the photograph, a word or two of description seems necessary. Two tags or cords had each one end passed through a slit in the fold of the overlap and the other through one of two opposite slits in the overlap and the surface facing it. They thus hung below as two short ends and two long ones. As far as can be judged in the damaged state of the attachment of the existing seal, the seals were affixed to the long ends only, leaving the short ends apparently to be secured by stitching, a very irregular arrangement. The surviving seal, to which the facsimile does anything but justice, is of green wax without counter-seal. On the obverse is an equestrian figure turned to the right, the horse at the gallop. The rider has a sword uplifted in his right hand, a conical helmet with nasal, and a heater shield without arms. Beneath the horse is some conventional design—a sprig of foliage, etc. The legend is too badly broken away to allow more than five letters of the owner's name to be read with certainty:

✠ SIGILL[UM O ?]BERTI N . .

The "O" is almost certain, so that the Christian name was in all probability Robert. There are remains of a letter before the "N" which has usually been read as I., but may possibly have been V.

The bad state of the cords makes it impossible to be sure that this is the original seal in this position, and if (as may be presumed) the lost seal was the earl's, the difference in the material of the

tags raises another element of doubt. Supposing it, however, to be original and the seal of one of the witnesses to Ranulf's confirmation,¹ the only name that would be long enough is that of Robert (de Monte alto) the dapifer or steward of the earl. But the final IN or VN seems to forbid this identification. On the whole then there is more than a suspicion that the seal does not belong to the charter. An additional complication is the presence of a single seal-slit below the third column, as if a third seal had been contemplated but abandoned.

Below this slit, on the inner face of the overlap, is written in a hand of about sixteenth century date the following couplet on the comet of 1066, with a note of the source from which it was derived.

Anno milleno sexageno quoque seno
Anglorum mete flammas sensere comete.²

In an olde Domesday booke in the chamber of Bristoll.

Below this again, on the extreme lower edge of the parchment (when the overlap is turned down), in a mediaeval hand is a catchword to the next column: *salinā ī nor[wich]*.

In the margin of the third column are some faint signs, one of which is perhaps a later paragraph sign; and in the fourth column, opposite the words "*Ego secundus Ranulfus*," is what seems to be an "S" with three dots above it. This is repeated four lines below opposite the beginning of Ranulf's own gifts.

Earl Ranulf's charter, which fills four columns and a quarter, is written in a good bold book-hand of a type quite consistent with the date (*circ.* 1150), apparently deducible from the list of witnesses.³ On palaeographical grounds alone, Mr. J. A. Twemlow of the University of Liverpool, after a minute examination of the facsimile, came to the conclusion that it can hardly be later than the middle of the century.

The hand, which in some respects recalls the writing of Domesday Book, struck him as presenting features which were more general between 1120 and 1130 than about 1150; for example, the frequent use of majuscule letters, the linked *ſ* = *nt* being a particularly archaic survival. However this may be, the very regular, though not unbroken, use of the tagged "e" (for older *ae*) will not fit a date much after the middle of the century.

If Mr. Twemlow's impression that the hand is rather old-fashioned for its date be justified, it may suggest a possible explanation of some minute palaeographical peculiarities in Ranulf II.'s own confirmation clauses beginning in the lower half of column 4, which he does not seem to have noticed. Although the general features of the hand remain the same, tagged "e"s are the exception, the capital

¹ This in itself is not very likely.

² Ascribed to Archbishop Lanfranc (*Liber de Hyda* (R.S.), 291).

³ See below, p. 65. The mention of the earl's heir seems to forbid an earlier date than 1147, in which year his son Hugh was born (*Ann. Cestr.* 20).

"E" is different, and there are small but consistent changes in the form of the contractions, especially for the genitive and dative plural ending, and of the tironian sign for "and." If these are not the natural variations of the same scribe at a definite break in his task or resuming it after some lapse of time, or of a second scribe copying, in the main successfully, the hand of his predecessor, a transcriber of older documents may perhaps have retained peculiarities which he dropped in a record of a contemporary confirmation. It should be noted however that unless the documents recited were not written by an Englishman they must have been copied from dictation by a French scribe,¹ for the Eaton charter has the foreign "c" for the soft "ch," and "s" for guttural "gh" or "f" in local names, as in Domesday Book. Cheveley becomes Ceueleia, Boughton Bostona, and Clifton Clistona.

Archbishop Theobald's confirmation, which immediately follows Ranulf's charter and occupies the second quarter of column 5, is written in a different, smaller, and much less pure book-hand in which "e" is never tagged. Mr. Twemlow assigns it to "not earlier than *circ.* 1150, perhaps rather the third quarter of the century." He seems therefore rather inclined to regard it as a later insertion in a space which was originally left blank. On the other hand, Mr. C. G. Crump of the Public Record Office has suggested that it is an integral part of the document, and that "the most probable explanation of the unusual form is that the abbey copied out their privileges not as an actual charter, but as material from which Theobald's clerks could draw up a regular confirmation charter with a proper preamble of his own; that instead of doing this the archbishop chose to add an anathema to the bottom and return the draft." This view would have to be rejected at once if the date usually assigned to Earl Ranulf's part of the document (1151 or 1152) could be upheld, for Theobald does not describe himself as papal legate, and he seems to have received legatine authority in 1150. But this dating rests upon the risky assumption that the Welsh prince Cadwalader, son of Gruffydd ap Cynan and brother of Owain Gwynedd, could not have been a witness before his expulsion from Wales by Owain.² As he was a relative by marriage of Earl Ranulf and fought under him in the battle of Lincoln,³ a visit to Chester before 1150 seems quite possible.⁴ A stronger objection to Mr. Crump's suggestion is that, though the main part of the document has no address and no preamble but that of

¹ The absence of these peculiarities from the charters themselves as they have come down to us rather supports the second alternative.

² *Brut y Tywysogion* (R.S.), s.a. 1151. Really 1152, the Brut's dates being a year too early.

³ Lloyd, *Hist. of Wales*, ii. 489 sqq.

⁴ Cadwalader attests two other recorded charters of Ranulf II. (Farrer, *Lancashire Pipe Rolls*, 279, 326). If the first, as is possible, was issued immediately after the charter to which it refers, its date is before May 1147.

Sanctorum prisca, it ends definitely, if irregularly, as a charter of confirmation by Ranulf II. with witnesses, mention of his seal, and a statement that he is depositing it in the abbey treasury (*in tesauro*) for the information of posterity. The absence of direct allusion to it by Theobald is a further difficulty; nor is the hypothesis that his own confirmation was added by his clerks supported by the handwriting of those of his charters which have survived.¹

On the whole then the balance of probability seems to favour the supposition that Theobald's confirmation has no integral connection with the main text, but was copied in later by the monks themselves, perhaps because of the close similarity of date. Whether the charter with which Earl Ranulf is credited can be accepted as genuine is another and a difficult question. Apart from its very abnormal form,² it presents features which are at least suspicious. "Ego secundus Rannulfus" and "ego iunior Rannulfus" sound unusual, but might be one of the irregularities of a home-made charter. More provocative of doubts is the way in which the earl's own grants are described as made on the occasion of his confirmation of those of his predecessors. Transcripts of three of the actual grants, the gift of the tenth of the issues of Chester,³ of the right to erect and let booths for the fair,⁴ and of the tithe of his mills of Cheshire and Leek⁵ have come down to us in the normal form of the earl's charters. The chartulary gives evidence of a separate charter for a fourth.⁶ It seems unlikely that they were all granted simultaneously. A further difficulty is the existence of another general confirmation by Ranulf of the abbey's endowments in the brief business-like form afterwards copied by his grandson,⁷ and with a set of witnesses almost wholly different.⁸ If it is urged that the abbey may have desired and obtained a more detailed confirmation which, being drawn up by themselves, must not be judged by a severe diplomatic standard, it is impossible to say definitely that it was not so, and no exception can be taken to the list of witnesses; still the doubts are not entirely allayed. But whether or no the monks secured the earl's formal recognition of this expanded version of his confirmation, the care with which the folding of the document was thought out shows that it was regarded as valuable.

Postscript: Mr. Gilson, to whom the above note has been submitted in proof, is unable to agree that the hand of the main part of the charter need be as early as 1150. He points out that documents with the tagged "e" can easily be found with dates as late as 1190. He doubts much as to any inference to be drawn from Theobald's omission of his title of legate, and on the whole adheres to Mr. Crump's theory. (See Addenda to p. 54.)

Of the meagre baronial grants in Ranulf's time only one, that of

¹ See B.M. *Facsimiles*, No. 28, with its tagged "e"s.

³ No. 12.

⁴ No. 7.

⁶ No. 51.

⁷ No. 18.

² See p. 62.

⁵ No. 20.

⁸ No. 9.

eight oxgangs in Backford near Chester, by the brothers Robert and Simon de Mascy, was within the limits of the palatine county.¹ Outside them Simon son of William, a Lincolnshire tenant of the earl and father of Philip de Kyme, who survived until 1156 at least,² gave the tithe of his mill at Bretby in Derbyshire, and Alan de Vilers the manor of Lydiate in Lancashire, which had been given to him apparently by his father Pain de Vilers, lord of Warrington. But this last gift does not seem to have taken effect.³

9. General confirmation by Earl Ranulf II. of all the gifts, dignities, and liberties bestowed upon the abbey by his predecessors and by their barons and his own, with special mention of the exclusive jurisdiction of the court of St. Werburgh. 1129-53.

From MS. xi. E 5, St. George's Chapel, Windsor (W), collated with Harl. MS. 2071, f. 45 (old, 31), copied by Randle Holme (H) from the Windsor MS., possibly compared with the *inspeximus* of Bishop Burnell (1283; see p. xxxi), and f. 18 (old, 5), an abbreviated copy obtained from Leycester, who apparently transcribed from the original. Pd. (abstract) in Leycester, *Hist. Ant.* 129 (=Orm. i. 25).

Rannulfus comes Cestrie constabulario, dapifero, iustic[iariis], baronibus, vicecomitibus, ministris et balliis et omnibus hominibus suis, Francis et Anglis, clericis et laicis, tam presentibus quam futuris, salutem. Sciatis me concessisse et confirmasse in perpetuam elemosinam, pro salute anime mee et parentum meorum, ecclesie sancte Werburge Cestrie et monachis ibidem Deo seruientibus omnes donationes et dignitates et libertates quas comites antecessores mei, scilicet Hugo comes et Ricardus filius eius et Rannulfus pater meus et barones in tempore illorum vel in meo eis dederunt. Quapropter⁴ volo et heredibus meis et omnibus amicis et hominibus meis precipio ut omnia ad abbatiam pertinencia in burgo et extra, in bosco, in plano, in villis et extra,⁵ in viis et semitis, in pratis et pasturis, in aquis et molendinis, in piscariis et in omnibus aliis locis, sint soluta et queta et ita libera⁶ ut nichil libertatis possit addi illis⁷ ulterius, quia ego nichil retineo in rebus sancte Werburge nisi orationes tantummodo. Et insuper concedo, sicut alii comites ante me concesserunt, ut⁸ sancta Werburga habeat plenarie curiam suam de omnibus rebus. Teste Roberto dap[ifero], Norman[no] de Verdon,⁹ Ran[nulf]o vicecomite, Hugone Hostr.,

¹ Orm. ii. 362; *Domes. Surv. of Ches.* (Cheth. Soc. (N.S.) 75) 97.

² Sitwell, *Barons of Pulford*, 63.

³ V.C.H. *Lancs.* iii. 201, n. 7.

⁴ Quampropter W, Quia propter H.

⁵ burgum added in H.

⁶ libere W.

⁷ eis H.

⁸ H. here inserts in,

⁹ Verdun H. f. 18.

Ada de Praers, Ricardo Pain,¹ Willelmo Grisill[e],² apud Cestriam.

For a discussion of the relation of this confirmation to that contained in the Eaton Hall charter see above, p. 66. It is identical *mutatis mutandis* with that of Ranulf III. (No. 18).

The names of the witnesses do not enable us to decide whether the charter was granted early or late in Earl Ranulf's time. Adam de Praers witnessed his father's grant of Noctorum to the abbey before 1119 (p. 40); but most of the other witnesses are known to have survived to the last years of the reign of Stephen; the fourth must be identified with the Hugo ostucarius or auceps, *i.e.* the Hawker, of other charters.

- 10.** Confirmation by Earl Ranulf II. of the grant by his predecessors to the abbey of all the rents and issues of a fair from noon on the eve of (the feast of) St. Werburgh to the night of the day following the feast, in toll, in forfeitures, etc., so that if any case arise, the whole plea shall be tried in the court of St. Werburgh for the advantage of the monks. Confirmation also of the privilege that any thief or malefactor coming to the feast should have firm peace while in the fair, unless he committed an offence there. 1129-53.

From Harl. MS. 2071, f 18 (old, 5), copied from the original by Randle Holme.

Rannulfus comes Cestrie constabulario, dapifero et maxime vicecomitibus atque burgensibus, omnibusque ministris suis Cestrie, salutem. Notifico vobis me concessisse, sicut comites Hugo et Ricardus et Rannulfus pater meus concesserunt, ecclesie sancte Werburge omnes redditus et exitus nundinarum ab hora nona vigilie sancte Werburge usque ad noctem sequentis diei post festum, in theloneo, in forisfactis et in omnibus rebus que acciderint in nundinis in his tribus diebus, vt si aliqua causa interueniat,³ omne placitum et iusticia in curia sancte Werburge ad opus monachorum pertractentur. Adhuc vero concessi, sicut antea concessum est ad honorem virginis, vt siue latro siue aliquis malefactor venerit ad festum, habeat firmam pacem dum fuerit in nundinis, nisi forte forisfecerit in illis. Teste Norm[anno] de Verdun, Ric[ardo] pinc[erna], Ioh[anne] capellano, Philippo camerario.

¹ Pani L.

² Gredill H, Gridell L.

³ This is a suggestion based on the unintelligible reading given by Holme.

*Equestrian seal: Figure to r. with uplifted sword in r. hand; reverse with classical gem (?) representing two gladiators or wrestlers fighting.*¹
 Leg. ✠ COM. SIGILLUM: COM. DE CESTRE. (See Addenda.)

The grant of a three days' fair on June 20-22 appears in the *Sanctorum prisca* charter of the founder (p. 21), and was confirmed by Ranulf I. in his charter of general confirmation (p. 47), but that of Earl Richard does not mention the fair. The wording of the present charter is in parts identical with that of Earl Hugh's grant. One or two turns of phrase and the specification of the hours of opening and closing the fair seem to be taken from the confirmation of Ranulf I.

Of the witnesses John the chaplain attests charters given between 1147 and 1153 (*Mon.* iv. 313) and in 1153 (*ib.* ii. 388, x. and No. 349 below); Philip the chamberlain appears as a witness before 1145 (35 Rep. D, K. App. i. 65, p. 7). Unfortunately these attestations do not enable us to fix the date of this charter with any precision.

11. Earl Ranulf II. pledges his peace to all coming to the fair of St. Werburgh. 1141-53.

From Harl. MS. 2071, f. 19d (old, 6d), copied from the original charter by Randle Holme.

Rannulfus comes Cestrie dapifero et Aluredo de Combr[ay] et omnibus baronibus et militibus et omnibus mercatoribus de quocumque orbe terrarum venerint, salutem et pacem. Concedo et affido meam firmam pacem, et vos illam ex parte mea affidatis, omnibus venientibus ad feriam sancte Wareburge et saluum ibi stare et recedere. Prohibeo eciam super forisfacturam meam ne aliquis mercatorum uel hominum meorum Cestrescire uel Cestrie quecumque² vendant uel emant nisi in feria sancte Wareburge quamdiu feria durauerit. Et vos barones mei et amici illud integritate fieri faciatis, ne clamorem audiam. T[este] R[icardo] pincerna, et (?) W[illelmo] capellano, apud Toinehag'.³

Fragment of equestrian seal drawn: Figure turned to r., sword held upright in r. hand.

As Alfred de Cumbray lived until 1186 at least (No. 85) and received his Cheshire manor of Nether Whitley from Earl Ranulf after 1141, the date of this charter may be placed after that year with some confidence.

12. Grant by Earl Ranulf II. to abbot Ralph and the convent of the whole tenth of his money-rents from the city of Chester, and in particular the tenth penny of the nine-

¹ See Planché in *Journ. Arch. Assoc.* (O.S. v. 1850) 241.

² quicumque MS.

³ Holme's facsimile of the name in the original seems to read as above, but perhaps the true form was Tornehag'.

pence which are received for the bridge and for other fisheries than that of salmon. The amount to be deducted from the sheriff's farm by the earl's chamberlains. The bishop and justice of Chester are called upon to punish any person who shall prevent this gift from taking effect. 1141-53.

From Randle Holme's copy of the original, Harl. MS. 2071, f. 19d (old, 6d), collated with that in Badlesmere's *inspeximus* of 1280 (W), and another in Charter Roll 73, No. 38, m. 10 (C.R.). Pd. in Dugd. *Mon. Angl.* ii. 388, No. viii. (omitting most of the witnesses), and in part in Leycester, *Hist. Ant.* 128; Ormerod's *Cheshire*, i. 25.

Rannulfus comes Cestrie constabulario, dapifero, baronibus, iusticiariis, vicecomitibus Cestrie, tam presentibus quam futuris, et omnibus hominibus suis, Francis et Anglis, clericis et laicis, salutem. Vniuersitati vestre notum facio me dedisse in elemosina in perpetuum Deo et sancte Marie, et ecclesie sancte Werburge,¹ et Radulfo abbati et conuentui predictae ecclesie, pro salute anime H[ugonis] comitis, prefate ecclesie fundatoris, ac pro salute anime Rannulfi comitis, patris mei, et antecessorum meorum, et pro salute anime mee, et Christianorum omnium, omnem decimam integrit² et plenarie omnium reddituum meorum ciuitatis Cestrie; videlicet de denariis, et nominatim decimum denarium de illis nouem denariis qui accipiuntur de ponte et de aliis piscationibus, quia habuerunt antea decimum salmonem ex dono Ricardi comitis. Eapropter volo et firmiter precipio vt predicta elemosina sit stabilis et firma, et vt computetur et tallietur³ vicecomiti meo in firmam suam a camerariis meis.

Prohibeo⁴ eciam ne aliquis vestrum contra Deum et sanctam Mariam et contra beatam Werburgam, et super amorem et forisfactum meum, prefatam elemosinam temerarie disturbare, celare vel aliquo modo minuere presumat. Si quis autem vestrum infelix hanc elemosinam a me manu mea⁵ super altare sancte Werburge⁶ oblatam forte disturbare, celare vel minuere presumpserit, precor episcopum [Cestrie]⁷ et obnixe requiro, et iusticiam meam Cestrie super amorem meum et meorum precipio quod illum iusticiet donec ad dignam satisfaccionem veniat. Testibus Roberto dapifero, Norman[no] de V[er]don,⁸ T[ur]stano Ban[estre], Will[elmo] fil[i]o Dunec[ani],⁹ W[illelmo]

¹ Wereburge C.R.

² integre H, integrit^r alii.

⁴ Prohibebo W.

⁶ Wereburge C.R.

⁸ Vern[un] W.

³ taliatur H, talliatur W., C.R.

⁵ mea om. H.

⁷ Cestrie om. H, supplied from W., C.R.

⁹ From W; Dunet' H, Vuuet' C.R.

capellano, Ric[ardo] capellano, Ric[ardo] pincerna, Rogero fil[i]o Ricardi de Aquila, Spilem[anno] camerario, Hugone fil[i]o Oliueri, Dunū fil[i]o Wlmari,¹ et multis aliis.

“The seale is broke away.”

In the fourteenth century the chamberlains were allowed as “ancient alms” a deduction of £10 for the tenth of the issues of the city (the farm of which was £100) and of £5 for the tenth of the profits of the fishery at the bridge (*Chamberlains’ Accts.* (Rec. Soc. 59), 102, 110, 165. For the grant of these and other alms, etc., to the Dean and Chapter in 1545 see *Chesh. Sheaf*, III. vii. 43, 70). The total amount was £15 as early as 1280, but between that date and 1316 there were attempts to reduce the payment, and for some years it was in arrears altogether (*ibid.* 5, 23; *Trans. Hist. Soc.* (N.S.) 55, pp. 56-8). In the years 1181-86 the “*elemosina constituta*” or “*decime constitute*” had varied from £14 (twice) to £10 : 16 : 5 (*Pipe Rolls*).

The limits of date might be further narrowed if we could accept the statement of Sir Alexander Lawrie that William son of Duncan, David I. of Scotland’s nephew and lord of Skipton and Egremont in right of his wife, Alice de Romilly, a cousin of Earl Ranulf, died before 1151 (*Early Scottish Charters*, 272). This was indeed the traditional date of the removal of the Augustinian canons of Embsay to Bolton in Wharfedale by Alice, apparently after William’s death (*Mon. Angl.* vi. 303), but as the date is glossed as the first year of Henry II. it cannot be trusted. John of Hexham (*Sym. Dun.* (ed. Arnold), ii. 326) speaks of William as alive in 1152, and, although his dates are usually a year in advance after 1140, the visit of Cardinal Paparone with which he connects the notice in question is placed in 1152 by Robert of Torigny (*Chron. of the Reign of Steph.*, etc. (R.S.), iv. 166). The attestation of Spileman the chamberlain is however inconsistent with a date at the very end of the grantor’s life, for Spileman was no longer chamberlain when Ranulf founded Minting Priory (*Dugd. Mon.* vi. 1024). The witness Roger fitz-Richard de Aquila (Laigle) was a relative of the earl, Richer (I.) de Aquila having married Judith, sister of Hugh I. Roger fitz-Richard also attested Ranulf’s grant of the constabship to Eustace fitz-John (*Orm.* i. 52). The last witness named may be the Duning, son of Wluère, who witnessed the charter of William the constable confirming his father’s grant of half Raby to the abbey (*Cal. Charter R.* ii. 317 and No. 351 below).

13. Confirmation by Ranulf II. of his father’s grant of Upton. 1129-53.

Secundus Rannulfus, comes Cestrie, confirmauit donacionem de Vptona quam Rannulfus pater suus dedit ecclesie sancte

¹ H, W ; Dunun L, Dunut C.R.

Werburge quando fecit transferri corpus Hugonis comitis de cimiterio in capitulum.

This seems to be the only record left of the confirmation in question. For the original grant see p. 47.

- 14.** Writ of Earl Ranulf (? III.), informing his officials, etc., that he has taken into his protection the lands, etc., pertaining to the fabric of the church of St. Werburgh, and all its other possessions, instructing them to protect and maintain them, and requiring them to enforce the payment of their revenues to the directors of the work and exact his forfeiture from those who withhold them.

From Harl. MS. 2071, f. 18 (old, 5).

* Rannulfus comes Cestrie constabulario, dapifero, iusticiariis, vicecomitibus, et omnibus baronibus suis, ministris et balliuis, et omnibus hominibus suis et amicis, presentibus et futuris, ad quos presens scriptum peruenerit, salutem. Sciatis me suscepisse in protectione mea et custodia uniuersa que pertinent ad opus ecclesie sancte Gwerburge de Cestria, tam in terris et hominibus quam decimis et redditibus et aliis possessionibus uniuersis.

Quare volo et firmiter precipio vt ea in pace et securitate tanquam mea dominica protegatis et manuteneatis. Itaque nullus quidquam ex eis contra rectores eiusdem¹ operis detinere presumat nec eis aliqua [ratione]² impedire quominus omnia que ad opus pertine[n]t memoratum libere et quiete percipiant et de hiis prout promotioni operis ecclesie sancte viderint expedire disponant. Volo quare³ et firmiter precipio quod si aliquis in balliua vestra⁴ aliquos redditus ad opus illud pertinentes detinere presumpsit eum⁵ ad solucionem compellatis et forisfacturam meam de detentore capiatis. Vale.

Fragment of seal drawn: On a shield a lion rampant to l. "Nothings on endorse." (See Addenda.)

This writ, which is not in the chartulary, was copied by Randle Holme from the original. Ranulf III. was using the same (? privy) seal c. 1198-1208 (Orm. i. 422), and onwards (Dugd. *Cart. Ant.* No. 116). For a letter of protection from Henry II. see No. 28, and cf. Farrer, *Early Yorkshire Charters*, i. 148-9.

¹ eadem MS.

² Doubtful in MS.

³ *Sic* for quare volo.

⁴ nostra MS.

⁵ eis MS.

- 15.** Grant by Ranulf II. to Shrewsbury abbey of freedom from toll in Chester and Cheshire, even in time of war or discord between Shropshire and Cheshire, provided that the same privilege is extended to the monks of Chester at Shrewsbury. 1141-53.

Register of Shrewsbury abbey, Charter No. 312.

Ranulfus comes Cestrie constabulario suo atque dapifero suo, baronibus, vice[omitibus], ministris et omnibus fidelibus suis totius Cestersire salutem. Sciatis quod ego condonavi monachis Salop[esberie] theloneum suum in ciuitate Cestrie et in toto comitatu meo . . . et quietum, et omnes consuetudines et libertates et quietancias¹ suas concessi eis sicut melius habuere tempore Hugonis comitis et patris mei Ranulfi. Quapropter firmiter precipio super decem libras de forisfactura ut nec propter guerram nec propter discordiam aliquam que possit contingere inter Salopessiriam et Cestresiram ullo modo de hac re disturbent[ur], nisi forte monachi mei de Cestria fuerint disturbati de huiusmodi re apud Salop, hac enim condicione concessi eis hanc quietanciam ut monachi mei habeant consimilem apud Salop. T[estibus] Radulfo abbate, Roberto dapifero, Turstano Bannest[ro] et multis aliis.

The upper limit of date is supplied by the attestation of Ralph, third abbot of Chester.

- 16.** Grant by Earl Hugh II. to Chester abbey of a yearly rent of 12*d.* and all the service which he formerly had in lands which the priests Leofwine and Leofnoth (?) and William le Palmer gave to the abbey when they became monks. 1153-81.

Hugo comes Cestrie dedit ecclesie sancte Werburge in die festiuitatis eius firmam illam, scilicet xii denarios et omne serui-cium que quondam habebat in terris quas Leouinus et Leouenth'² sacerdotes et Willelmus Le Palmer dederunt secum abbacie quando fecerunt se monachos. Teste W[illelmo] Patrick, etc.

For the feast of St. Werburgh see p. xiii. William Patrick of Malpas died in 1184 (*Ann. Cestr.* 32).

- 17.** Grant by Hugh II. to St. Werburgh and abbot Robert of the right to reclaim the fugitive serfs of the abbey and their chattels wherever found on his land or that of his men. 1157-81.

¹ quietanciis MS.

² Leoninus et Leonenth' MS.

[f. 6 (3).]

Hugo comes dedit sancte Werburge et Roberto abbati omnes fugitios seruos uel natiuos vbicunque eos inuenerit in terra sua uel hominum suorum vt reducerentur cum omnibus catallis suis, nec ab alico detinerentur super forisfactura x librarum.

Cf. No. 60, §§ 4, 13, and No. 313.

18. General confirmation by Earl Ranulf III. to the abbey of the gifts made to it by his predecessors, and by their barons and his own. 1199-1208.

From Randle Holme's copy of the original charter in Harl. MS. 2071, f. 19 (old, 6), collated with Charter Roll 1285, m. 15, No. 46, and St. George's Chapel, Windsor, MS. xi. E 5. Pd., with omissions, from the original by Leycester (Orm. i. 33).

Ranulphus comes Cestrie constabulario, dapifero, iustic[iariis], baronibus, ministris, et balliuis, et omnibus hominibus suis, Francis et Anglis,¹ clericis et laicis, tam presentibus quam futuris, salutem. Sciatis me concessisse et confirmasse in perpetuam elemosinam pro salute anime mee et parentum meorum ecclesie sancte Werburge Cestrie et monachis ibidem Deo seruientibus omnes donaciones et dignitates et libertates quas comites antecessores mei, scilicet Hugo comes et Ricardus filius eius, et Ranulphus comes, et alius Ranulphus auus meus, et Hugo pater meus, et barones in tempore illorum uel in meo, eis dederunt. Quapropter volo et heredibus meis et omnibus amicis et hominibus meis precipio ut omnia ad abbatiam pertinentia in burgo et extra burgum, in bosco et in plano, in villis [et extra, in viis]² et semitis, in pratis et pasturis, in aquis et molendinis, in piscariis, et in omnibus aliis locis, sint soluta et quieta et ita libera ut nichil libertatis possit addi eis ulterius, quia ego nichil retineo in rebus sancte³ Wereburge nisi oraciones tantummodo. Et insuper concedo, sicut alii comites ante me concesserunt, ut sancta Wereburga habeat plenarie curiam suam in⁴ omnibus rebus.

Hiis testibus. Bertru[de]⁵ comitissa, matre mea, Rad[ulpho] de Mesnilwar[in],⁶ Hugone de Bosco Ale,⁷ Rad[ulpho] fil[i]o Simonis, Rog[ero] fratre com[itis], Rog[ero] constabulario, Gaufrido de Buxeria, Steph[ano] de Longocampo, Alano de Bosco Ale, Bertram[o] camerario, Alexandro fil[i]o Rad[ulphi],

¹ Anglicis C.R.

² Supplied from C.R., W.

³ sancte, ecclesie W.

⁴ in, de C.R., W.

⁵ Her name was Bertrade, but is also Latinized as Bertrudis in *Ann. Cestr.* 54.

⁶ Mengarin W.

⁷ The next six witnesses from Ralph fitz Simon to Alan de Boydell are omitted in W.

Johann[e] clerico, Bech¹ dispens[ario], Petro clerico, et aliis multis, apud Cestriam in capitulo monachorum in anniuersario die Hugonis comitis patris mei.

Equestrian seal: Shield bears a cross. Leg. ✠ SIGILLV[M] [RAN]VLP[HI] CO[MITIS] CESTRIE.

The presence of Roger the constable indicates a date after 1190, and the absence of "duke of Brittany and earl of Richmond," in Ranulf's style, one probably later than his desertion by Constance of Brittany in Oct. 1199. The lower limit of date is supplied by the presence of Hugh de Boydell, who died before 1208 (No. 39). The charter follows the wording *mutatis mutandis* of the confirmation of Ranulf II. (No. 9).

19. Confirmation by Archbishop Theobald of the abbey and its possessions, and especially the liberties confirmed by his predecessor Anselm (No. 4). 1139-50.

From Eaton Hall Charter 1, collated with the chartulary copy.

Tedbaldu² Dei gratia Cantuarie archiepiscopus et totius Anglie primas omnibus sancte ecclesie fidelibus, salutem. Nouerit uniuersitas presentium et futurorum quoniam abbatiam sancte Werburge Cestrie quam comes Hugo Cestrie et Ermentrudis comitissa uxor sua in honorem Dei et sancte Werburge construxerunt et omnes possessiones, quas seruuli Christi monachi qui in eiusdem beate Werburge³ ecclesia diuinis sunt obsequiis mancipati iuste et canonice ex predicti comitis et comitis donatione siue aliorum principum largitione seu fidelium quorumcunque oblatione in presentiarum possident siue in futuro canonice adipisci poterunt, confirmamus et presentis scripti munimine corroboramus. Hoc adicientes et summopere monentes libertates, quas sanctissime memorie beatus Anselmus, uenerabilis pater et predecessor noster, prefate ecclesie scripto suo confirmauit, stabiles permanere et a nullo diminutionem aut conturbationem sustinere. Si quis igitur patris nostri predicti beati Anselmi confirmationem aut nostram ausu temerario infestare aut irritare attemptauerit, Dei et nostre subiaceat maledictioni. Conseruantibus autem et predictorum monachorum bona augmentibus Dei benedictionem et nostram et uitam eternam optamus. Valete.

For the position of the copy in the Eaton Hall charter see above, p. 65. The inferior limit of date is supplied by the absence of

¹ Beth' C.R. and Harl. MS. 2071, f. 46.

² Theobaldus Ch.

³ beate Werburge, virginis Ch.

Theobald's style as papal legate. More specific confirmations by him may be found in *Two Chartularies of Bath Abbey* (Somerset Record Soc.), pp. 59-60, and *Facsimiles of Royal and other Charters in the British Museum* (ed. Warner and Ellis), i. No. 28.

- 20.** Confirmation by Earl Ranulf II. of all gifts of tithes made to the abbey by his predecessors and grant by him of the tithes of all his mills in Cheshire and of Leek Mill in Staffordshire. Injunctions accordingly to his officers, and provision that if any part of the demesne has been rented out, the tenant, whether villein or farmer, shall pay his tithes to St. Werburgh. c. 1141-53.

Charter Roll 73, 13 Edw. I. m. 10, No. 38. Pd. in Dugd. *Mon.* ii. 388, No. ix. (omitting last two witnesses).

Notum sit tam futuris quam presentibus quod ego Ranulphus comes Cestrie concedo et confirmo donationes omnium decimarum quas Hugo comes, Ricardus filius eius, aut Ranulphus pater meus dederunt ecclesie sancte Werburge; et insuper ego ipse do predictae ecclesie pro salute anime mee, et pro animabus predictorum comitum, decimas omnium molendinorum meorum Cestresire, et molendini de Leec, precipiens omnibus ministris meis, et omnibus super amorem et hominum michi debitum, quatinus reddant predictae ecclesie per singulos annos hanc meam elemosinam, ne audiam inde super forisfactum queremoniam. Et si quis fecerit de dominio terram tributariam, siue sit rusticus, siue sit firmarius qui teneat eam, precipio ut reddat sancte Werburge decimam suam, ita vero quod nec clericus nec laicus faciat [eis] inde iniuriam. T[estibus] Hugone Ost[ucario], Ricardo, Gaufrido dispensatore, A[luredo]¹ de Cumb[ray], Radulfo capellano.

The tithes of the mills of Cheshire appear among the gifts of Ranulf II. in his "Great Charter" (p. 59), and the scribe of the chartulary briefly summarises his grant, which he wrongly assigns to Ranulf I. in enumerating the contents of the *inspeximus* of 1285 (No. 30); but neither he nor Badlesmere gives it in full, perhaps because it was confirmed in part more at large and in part *verbatim* by the grantor's son (No. 21).

The date can hardly be earlier than 1141, after which Alfred de Cumbray received a grant of his Cheshire manor of Nether Whitley (No. 85).

- 21.** Confirmation by Earl Hugh II. of the gifts of his predecessors, bestowing all the tithes of their demesne lands in Cheshire

¹ An'. in C.R.

and Stafford[shire] on the abbey, whether tithes of cow-pastures, young horses, mills, corn, or any other things which are tithable. Injunctions accordingly to his officers, and provision that if any part of the demesne has been rented out, the tenant, whether farmer or villein, shall pay his tithes to St. Werburgh. 1158-81.

Charter Roll 73, 13 Edward I. m. 10, No. 38, collated with St. George's Chapel, Windsor MS. xi. E 5.

Notum sit tam presentibus quam futuris quod ego Hugo comes Cestrie concedo et confirmo donaciones omnium decimarum quas Hugo primus comes uel Ricardus filius eius aut Ranulphus auus meus uel Ranulphus pater meus dederunt Deo et ecclesie ¹ sancte Wereburge ² Cestrie et monachis Deo et predictae virgini ibidem seruientibus, scilicet de omnibus dominiis meis in Cestrisira et Staffordsira, ³ de vaccariis, de pullis equarum, de molendinis, de bladis, et de omnibus illis rebus unde decima iuste dari debeat; precipiens omnibus balliuis ⁴ meis et ministris et prepositis et omnibus hominibus meis ⁵ super amorem meum et homagium quod michi ⁶ debent quatinus reddent predictae virgini per singulos annos hanc elemosinam, ne audiam inde super forisfactum meum querimoniam; et si quis de dominio meo fecerit terram tributariam, siue sit firmarius siue rusticus qui tenet eam, precipio ut reddat sanctae Werburge decimas suas. Ita vero ⁷ quod nec clericus nec laicus faciat eis inde iniuriam, sicut carta patris mei testatur. Teste Hugone de Lacy, ⁸ Radulfo filio Warn[eri], ⁹ Hugone de Dutt[on], Willelmo capellano comitis, Willelmo de Haneford, et multis aliis, apud Cestriam.

The brief abstract in the chartulary abbreviates the final paragraphs into: ita quod si aliquis ipsas terras quocunque titulo teneat ipsas decimas predictae ecclesiae soluat, and adds Insuper dedit decimas molendinorum suorum Cestris[irie] et molendini de Lec (*i.e.* Leek). But this gift was made by Hugh's father in the preceding charter (No. 20), of which this is merely a confirmation, in part in the same words.

Hugh de Lacy, afterwards the first lord of Meath, succeeded to the lands of his father Gilbert after 1158 (*D.N.B.*).

¹ ecclesie om. W.

² Werburge W.

³ in Staphordia W.

⁴ balliuis W.

⁵ meis om. W.

⁶ mihi W.

⁷ vero om. W.

⁸ Lascy W.

⁹ Clearly (in C.R.) here and in No. 24, as in some other charters, but elsewhere the father's name is read as Warin; *e.g.* Round, *C.D.F.* p. 225; *C.P.R.* 1399-1401, p. 301. It is "Warner" in an original charter (*Chesh. Arch. Soc. Journ.* x. 15).

- 22.** Confirmation by Earl Hugh II. of the grant of Greasby in Wirral to the abbey by Richard de Rullos (see No. 23).
? 1153-60.

From Charter Roll 73, 13 Edw. I. m. 10, No. 38 (C.R.), collated with Windsor MS. xi. E 5, and Randle Holme's copy of it in Harl. MS. 2071, f. 45*d* (old, 31*d*).

Hugo comes Cestrie constab[ulario], dap[ifero], baronibus iustic[iariis], vic[ecomitibus], famulis, hominibus suis omnibus, tam clericis quam laicis, salutem. Vos vero scire volo me in perpetuam elemosinam concessisse in quantum ad me pertinet Grauesbiam¹ ecclesie sancte Wereburge² de Cestria in villa, in nemore, in pascuis, in aquis, in omnibus, quam Ricardus de Rullos³ eidem ecclesie in elemosinam dedit carta sua confirmatam.⁴ Ea propter⁵ hominibus meis omnibus firmiter precipio ne quis inde ecclesiam illam vexet, nec placitando nec alio modo ullo, set unusquisque pro sui posse elemosinam illam prefate ecclesie absque molestia ratam existere⁶ faciat. T[este] Matill[de]⁷ matre mea, Ricardo de Rullos⁸ et Roberto fratre suo, Roberto Basseat,⁹ Rogero capellano, Willelmo Superbo,¹⁰ Alano Siluestri et aliis multis.

The date is probably early in Earl Hugh's time, for Alan Sauvage (Silvester), the last witness named, had a grant of Storeton and Puddington from Ranulf II. apparently before 1140, as William de Roumare who attests it is not called Earl of Lincoln (Harl. MS. 2079, f. 7*d*), and Alan's granddaughter married between 1170 and 1181 (*Orm.* ii. 446).

- 23.** Confirmation by Richard de Rullos and his brother Robert of their father's grant of Greasby to the abbey. ? 1153-1160.

From Charter Roll 73, 13 Edw. I. m. 10, No. 38 (C.R.), collated with Windsor MS. xi. E 5, (W). Pd. (from C.R. with some errors) in Dugd. *Mon.* ii. 388, No. xi.

✠ In nomine Domini Ihesu Christi notum sit tam illis qui sunt quam illis qui futuri sunt quod ego Ricardus de Rullos et Robertus frater meus concedimus Deo et sancte Wereburge¹¹ et fratribus ibidem Deo seruientibus unam villam in Wirhale,

¹ Grauesbeiam H.

³ Rolles W, Chart., H.

⁵ Quapropter W, H.

⁷ Matilde W, H.

⁹ Basset W, H.

² Werburge W, H.

⁴ confirmam' MS., confirmata W, H.

⁶ consistere W, H.

⁸ Rolles W, H.

¹⁰ This witness is omitted by W and H (which refers however to another copy containing one more witness). W gives the initial only of the Christian name of three of the witnesses.

¹¹ Werburge W.

scilicet Grauesbi¹ solam et quietam et in liberam elemosinam pro animabus nostris et pro anima patris nostri qui predictam terram libere et honorifice absque censu et seruicio predictis fratribus concessit pro anima sua cum moreretur,² et pro animabus parentum suorum. Quare precamur amicos nostros, et homines nostros precipimus quatinus hanc elemosinam pro amore Dei et nostro manuteneant. Nos enim in predicta villa nichil in manu nostra retinemus preter oraciones et elemosinam. T[estes]³ Andreas capellanus, Turstanus sac[er]dos, Willelmus sac[er]dos⁴ filius Steinolfi, Hugo filius Oli[uer]i, Ricardus Lancell[in], Paganus vic[ecomes], Willelmus Superbus et filii eius,⁵ Willelmus Crist',⁶ Hugo filius Walant,⁷ Hardmer, Hugo Freg', Morice.

The original donor of Greasby, the father of the grantors of this charter, can hardly have been the Richard de Rullos who gave the tithes of Waverton, Hatton, and Clotton to the abbey in the time of the founder (above, p. 19), for the absence of the gift of Greasby from the confirmation charters of the first four earls raises the presumption that it was made after 1150. For the date of this confirmation cf. No. 22. Hugh, son of Oliver, and other witnesses of the present charter also attest a grant to Chester nunnery which belongs to the beginning of the earldom of Hugh II. (*C.P.R.* 1399-1401, 297). Steinolf, the father of William the priest, may have been the Steinulf, rector of Sandbach, who died in Ranulf II.'s time (Ormerod, *Memoir on the Cheshire Domesday Roll*, p. 8). For Richard Lancellin cf. Sitwell, *Barons of Pulford*, 67.

24. Grant by Earl Hugh II. to the abbey of the church of Prestbury. 1170-81.

From Charter R. 73 (1285), m. 15, No. 46. Pd. (abstr.) by Leycester, *Hist. Ant.* 130 (Orm. i. 26).

Hugo comes Cestrie constabulario, dapifero, iustic[iariis], baronibus, vicecomitibus, balliuis et omnibus hominibus suis, clericis et laicis Francis et Anglicis, tam presentibus quam futuris, salutem. Sciatis me dedisse cum corpore meo Deo et Sancte Wereburge ecclesiam de Presteb[uria] cum omnibus pertinenciis suis, ita libere et quiete sicut aliquis antecessorum meorum aliquam elemosinam liberius et quicquid eidem ecclesie sancte Wereburge vnquam contulit, nichil omnino in hac elemosina retinens nisi oraciones, nec eciam ius aduocacionis. Deo teste et omnibus sanctis, Johanne priore de Trentham, Sampson

¹ Grauisby W.

² moraretur MS. Corrected from W.

³ W gives the names in the ablative and much abbreviated.

⁴ Dugdale's copy ends here.

⁵ et filio suo W.

⁶ Cristm' or Cristin' W.

⁷ Walend W.

canonico, Radulpho Barba Aprilis, Roberto clerico de Wico, Ranulpho de Legh', Radulpho de Menilwar[in], Radulpho filio Warn[eri],¹ Gilberto filio Pic[oti], Roberto fratre eius, Frombaldo, Bertram camerario, Gileberto filio Elye. Hec carta facta fuit coram comitissa M[atilda] matre comitis et B[ertrada] sponsa eius, et Ranulpho filio suo concedente.

Earl Hugh married Bertrade, daughter of Simon, count of Evreux, in 1169, and their son Ranulf (de Blundeville) was born in the following year (*Ann. Cestr.* 24).

For confirmations by Earl Ranulf III. and Richard, Bishop of Coventry, see Nos. 25, 571-2, and for the appropriation of the church Nos. 98-9.

25. Confirmation by Earl Ranulf III. of the preceding gift. 1199-1216.

From Charter Roll 73 (1285), m. 10, No. 38.

Omnibus sancte matris ecclesie filiis tam presentibus quam futuris Ranulphus comes Cestrie salutem in Domino. Nouerit vniuersitas vestra me ratam habere donacionem ab Hugone comite Cestrie, patre meo, factam Deo et sancte Wereburge Cestrie et monachis ibidem Deo seruientibus super ecclesia de Prestebire, cum omnibus eius pertinentiis in liberam et puram et perpetuam elemosinam illis concessa, sicut carta patris mei, quam ipsi inde habent, testatur, quam michi oblatam presente corpore patris mei meminet me in ratihabicionem super altare sancte Wereburge posuisse, et in huius confirmacionis testimonium predictam donacionem presenti scripto et sigilli mei munimine roborauit. Hiis testibus, Philippo de Orreby, Henrico de Aldidel[e], Waltero Daiuil, Johanne de Preaus, Roberto de Daiuil, Thoma de Plesel, Thoma pincerna, Geroldo hostiario, Hugone de Pasc[y], et multis aliis, apud Walton[am].

The date is probably after the grantor ceased to use the title of Earl of Richmond and Duke of Brittany. It cannot be later than 1216 when Hugh de Pascy was slain (*Ann. Cestr.* 50), and if it were safe to infer that Orreby was not yet justice because he is not so called it would be earlier than October 1208.

26. General confirmation by John le Scot, Earl of Chester and Huntingdon, of the grants made by his predecessors to the abbey, along with a quittance of the payment of three loaves daily to the tower of Chester Castle, and

¹ Warini, Windsor MS. xi. E 5, which also reads Gilberto fil' Pinc'.

of puture of his serjeants in Huntington, Cheveley, Iddinshall, and Wervin in time of peace and in Prestbury and Goostrey at all times. 1233-37.

Windsor MS. xi. E 5 (W), collated with a copy by Randle Holme in Harl. MS. 2071, f. 46 (old, 32), and Leicester's abstract of the original "remaining among the evidences of St. Werburge church in Chester" (Orm. i. 42).

Omnibus Christi fidelibus presens scriptum visuris vel audituris Johannes de Scocia comes Cestrie et Huntindonie, salutem in Domino. Sciatis me concessisse et confirmasse Deo et domui sancte Werburge de Cestria et abbati et monachis ibidem Deo ministrantibus¹ in puram et perpetuam elemosinam pro salute mea et comitis mee, et pro anima comitis David patris mei et comitis Matildis matris mee, et pro anima Rannulphi avunculi mei et pro animabus omnium antecessorum et successorum meorum, omnes donaciones et dignitates et libertates quas comites antecessores mei et² barones eis dederunt.

Insuper ego ipse do, concedo, et presenti scripto confirmo predictis abbati et monachis quietanciam de tribus panibus quos solebant dare diurne ad turrim castelli mei de Cestria et quietanciam de pultura seruientum³ in villis suis scilicet Huntindun⁴ Cheuelee,⁵ Idinghale,⁶ Wiruin⁷ tempore pacis et Presteburi⁸ et Gorestre⁹ inperpetuum. Quapropter volo et omnibus hominibus meis et amicis meis¹⁰ firmiter precipio quod predicti abbas et monachi habeant et teneant libere, quiete, bene et in pace omnes donaciones suas cum pertinenciis et dignitates et libertates suas et quietanciam de tribus panibus aliquando ad turrim Cestrie datis et quietanciam de pultura seruientum ut predictum est,¹¹ et quod utantur et uti permittantur libertatibus suis secundum tenorem cartarum et confirmationum antecessorum meorum quas inde habent. Et prohibeo super forisfacturam meam decem librarum¹² ne quis super hiis prescriptis prefatos abbatem et monachos de cetero molestet, vexet uel disturbet. Et vt hec mea confirmacio, concessio et donacio firmitatis robur obtineant inperpetuum presenti scripto sigillum meum apponi feci. Hiis testibus, dom. Ricardo Phitun tunc iusticiario Cestrie, dominis Warino de Vernun, W[illelmo]¹³ de Venables, H[amone] de

¹ seruientibus L.

³ seruientium L.

⁵ Cheuel' Ch., Cheveley L.

⁷ Wirvyn Ch., L.

⁹ Gostre Ch., Gostrey L.

¹⁰ meis om. W.

¹² librorum H.

² pro anima Rannulphi . . . mei et om. H.

⁴ Huntindon H; Huntindon Ch., Huntington L.

⁶ Ydinchal' Ch., Idinchale L.

⁸ Prestbury L.

¹¹ in predictum eciam H.

¹³ The extensions are from H and L.

Mascy, H[ugone]¹ de Phit[un],² W[illelmo] de Malo passu, Walkelino³ de Arderne, W[illelmo] de Boidel, Ricardo de Sontbache,⁴ R[icardo] de Wibinburi tunc vicecomite Cestresirie, Hugone de Venables, H. de Struencle clerico,⁵ et aliis.

- 27.** General confirmation by Edward, eldest son of Henry III., of the grants, etc., made in favour of the abbey by Ranulf III. and his ancestors. September 25, 1265.

Windsor MS. xi. E 5.

Edwardus illustris regis Anglie primogenitus vniuersis ad quos presentes litere peruenerint salutem. Audiuimus cartas Ranulphi quondam comitis Cestrensis et antecessorum suorum confectas super donacionibus, dignitatibus, libertatibus, et possessionibus diuersis concessis Deo et ecclesie sancte Werburge Cestrie ac monachis ibidem Deo seruientibus. Nos vero easdem donaciones, dignitates et libertates ac possessiones ratificantes ipsas pro nobis et heredibus nostris, sicuti eidem monachi temporibus retroactis pacifice eisdem sunt vsitati, tenore presentium inperpetuum confirmamus. In cuius rei testimonium presenti scripto sigillum nostrum duximus apponendum. Datum Wyntonie vicesima quinque die Septembris anno domini regni regis patris nostri xl. nono.

- 28.** Writ of Henry II. notifying that he has taken the abbey into his protection. 1155 or 1157-58.

Harl. MS. 2071, f. 21 (old, 8), copied from original by Randle Holme, collated with Charter Roll 73, 13 Edw. I. m. 10, No. 38. Pd. *Cal. Charter R.* ii. 318.

Henricus rex Anglorum, et dux Normannorum et Aquitanorum et comes Andegauorum W[altero] episcopo Cestrie et Hugoni comiti Cestrie et M[atildi] comitis et constab[ulario], dap[ifero] et omnibus iust[iciariis], vic[ecomitibus], baronibus, ministris et fidelibus suis de Cestresiria et Notingsamsiria et de Derbisiria, salutem. Sciatis quod ego recepi in manu et custodia mea, saluo honore et dignitate Hugonis comitis Cestrie, abbatiam de Cestria cum omnibus pertinentiis suis in ciuitate et extra, in villis, in burgis, in maneriis et in omnibus tenuris et possessionibus suis. Quare volo et precipio pro salute anime mee et pro anima Ranulfi comitis quod eiusdem abbacie monachi teneant omnia sua tenementa bene et in pace, sola et quieta et libera de sac

¹ Hamone L.

³ Walcelino H.

⁵ Leyc. omits the last two witnesses.

² Phet[un], W, corrected from H.

⁴ Sondbache H.

et de soc et de tol et de tem et de infangeneth[ef],¹ et sic libere et honorifice et libere et quiete teneant sicut unquam liberius et honorabilius tenuerunt in tempore Hugonis comitis fundatoris abbacie vel aliquorum aliorum comitum ipsum subsequentium. Et volo et precipio quod predicti monachi et omnes eorum possessiones sint per totum in mea firma pace ita vt nullus ponat eos vel homines eorum de aliquo in placitum iniuste super amorem meum. Teste Thoma cancellario per Jocel[inum] de Balliol[o],² apud Wdestok'.

Fragment of great seal.

When he succeeded his father as Earl of Chester in December 1153 Hugh was only in his seventh year (*Ann. Cestr.* 20) and became with his lands a ward of the king (*Pipe Roll*, 4 Hen. II. 186), who in his capacity as guardian issued the above letter of protection to the abbey. The date is more narrowly defined by the death of Bishop Walter in 1159 or 1160 and the movements of Henry II. (*Eyton, Itinerary of Hen. II.*). Helsby gives a very incorrect abstract (from Harl. MS. 2149, f. 33), and wrongly refers it to a seizure of the temporalities of the abbey during a vacancy in the abbacy (*Orm.* i. 250 n.). Cf. No. 14.

29. *Inspeximus* and confirmation by Edward I. of the gifts of Earls Hugh I. and Richard. June 12, 1285.

Edwardus rex Anglie testificatus est se inspexisse cartas donacionum quas Hugo primus comes Cestrie et Ricardus filius eius comes eiusdem ecclesie sancte Werburge optulerunt, et has de uerbo ad uerbum transcripsit et sigillo suo appenso imperpetuum confirmauit.

The *inspeximus* here referred to is in Charter Roll 73, m. 11, No. 38, and is briefly described in *Cal. of Charter Rolls*, ii. 316.

30. *Inspeximus* and confirmation by Edward I. of the charters of Ranulf (I.), the third earl, and of his successors. June 12, 1285.

Edwardus rex Anglie filius Henrici testificatus est se inspexisse has cartas quas de uerbo ad uerbum transcripsit et sigillo appenso confirmauit, videlicet cartam Ranulphi primi, comitis tercii, de donacione Uptone et multorum que in eadem carta continentur, et cartam eiusdem Ranulphi de loco nundinarum et scoppis [f. 6d (3d).] mercium, et cartam eiusdem Ranulphi de decimis reddituum ciuitatis, et cartam eiusdem Ranulphi de confirmacione decimarum quas antecessores sui dederunt, et de decimis molendinorum

¹ infunguith W.

² C.R.; Baillolo W.

suorum Cestresirie et molendini de Lec, quas idem R[anulphus] dedit, et cartam Ranulphi comitis filii predicti Ranulphi de donacione Estham et Brombur', et eciam cartam Henrici quondam regis Anglie de confirmacione donacionis eiusdem, et cartam Hugonis comitis filii predicti Ranulphi [de]¹ confirmacione decimarum quas antecessores sui dederunt, videlicet de omnibus dominicis suis de omnibus de quibus decima dari debeat in Cestrisiria et Staffordsiria, et cartam Ricardi de Rolles de donacione de Grauesby, et cartam Hugonis predicti de confirmacione donacionis eiusdem, et cartam de reddicionem ville de Rabi quam Willelmus constabularius fecit, et cartam R[anulfi] comitis filii Hugonis de confirmacione eiusdem reddicionis, et cartam Henrici quondam regis Anglie de proteccionem et libertatibus, de sac et de soc, et de tol et de tem, et de infangintefth' in Cestrisiria, Notinghamiria, Derbisiria.

For this second *inspeximus* of 1285 see the references given in the note on No. 29. The scribe has carelessly ascribed two, if not three, charters of Earl Ranulf II. to his father (Nos. 12, 20, and 7 above).

- 31.** Attestation of Roger de Clifford and Thomas de Bolton, justice of Chester, that they had seen and handled certain of the charters of the abbey. 1268-70.

Rogerus [de Clifford]² custos forestarum regis Anglie citra Trente et Thomas de Boulton iusticiarius Cestrie protestabantur se vidisse et manibus propriis tractasse cartas ecclesie sancte Werburge, scilicet cartam Hugonis primi comitis et confirmacionem Ranulphi [III.] sexti comitis, et cartam Willelmi constabularii super donacione de Rabi,³ et confirmacionem[m] Ranulphi comitis super eadem donacione.⁴

- 32.** Attestation by Richard de Shireburne of an *inspeximus* of the foundation charters of the abbey made by him. 1272.

Ricardus de Schireburne, missus per archiepiscopum Eboracensem et per Rogerum de Mortuo Mari et per Robertum Burnel archidiaconum Eboracensem, locum Edwardi Henrici regis primogeniti in remotis agentis tenentes, ad audiendum et terminandum contencionem quascunque inter quoscunque balliuos, audiuit tenorem cartarum fundacionis monasterii quas transcripsit et sigillo suo muniuit vna cum sigillis dominorum Thome de Meynwaring, Roberti de Stocport, G[alfridi] de Chedle et aliorum.

¹ de omitted in MS.

³ No. 351.

² Supplied from the heading.

⁴ No. 352.

The verdict of a jury on the "contentions" which gave rise to Shireburne's visit is given in No. 38, and supplies the date.

33. Attestation by Richard de Shireburne of the charters beginning from the gifts which Earl Richard made. 1272.

Item aliam protestacionem cartarum incipiencium a donationibus Ricardi comitis fecit, quam quinque sigillis muniri procuravit.

34. Double attestation by Guncelin de Badlesmere, justice of Chester, of the charters relating to the foundation, rights, and liberties of the house. July 31 and August 17, 1280.

Guncelinus de Bad[l]esmere quando iusticiarius Cestrie [fuit] protestabatur se vidisse et propriis manibus tractasse cartas monasterii sancte Werburge Cestrie super fundacione eiusdem ac iuribus et libertatibus a comitibus et aliis ei concessis, in pleno comitatu Cestrie, quas transcripsit et sigillo duplici muniuit. Et est duplex scriptum protestacionis illius maius et minus, ambo cum duplici sigillo.

One of Badlesmere's two *inspeximus* has luckily survived and is now MS. xi. E. 5 in the Library of St. George's Chapel, Windsor. It is a large square sheet of parchment containing on the *recto* sixteen charters written in two columns. Cords for the two seals referred to (which have disappeared) are fastened in lozenge shape on the lower edge turned over, that to the left brown, that in the centre brown and green twisted. On the dorse is written "Protestacio Guncelini de Badlesmere super cartis fundacionis sancte Werburge," in a hand of about the same date, above which in a later hand, Werburge, and below, in a darker ink, ^{m.}
xi. E 5.

Badlesmere's preamble runs as follows :

Omnibus Christi fidelibus presens transcriptum visuris vel audituris, Guncellinus de Badelesmere, Justiciarius Cestrie, salutem in Domino. Noueritis me die Mercurii proxime ante festum sancti Petri ad Vincula anno regni regis Edwardi filii regis Henrici octauo inspexisse, vidisse ac propriis manibus tractasse cartas abbatis et conuentus sancte Werburge Cestrie super fundacione monasterii sui ac iuribus et libertatibus ipsis et suo monasterio a comitibus Cestrie ac aliis concessis, mihi in plena curia comitatus Cestrie exhibitas, non cancellatas, non vitiatas nec in aliqua sui parte abolitas aut deletas, in hec verba :

This manuscript was seen and transcribed by the second Randle Holme (Harl. MS. 2071, ff. 43^d-46^d), as collation and a note by Holme at the end make clear, though he carelessly gives the date as August 1,

instead of the Wednesday before, *i.e.* July 31. The two seals were still attached, and he appends drawings of them. See Addenda, *supra*.

Presumably this is the "maius scriptum" of the chartulary description, and the "minus" may doubtless be identified with the manuscript, then remaining in the cathedral, from which about 1644 Sir Peter Leycester transcribed "the original charter of the foundation," *i.e.* *Sanctorum prisca*. It had the same preamble (printed by Leycester¹), except that the date was nearly three weeks later—"die Sabbati proxime post festum Assumptionis beate Marie"—*i.e.* August 17. But Leycester's transcript differs from the Windsor text in attributing to Earl Hugh a grant of part of Stanney and in many curious misspellings. The fact that these peculiarities are shared with Dugdale's copy of *Sanctorum prisca*, which Leycester had before him, suggests an obvious explanation.²

The following is a list of the sixteen charters in the Windsor MS. with their respective numbers in the present edition :

Col. 1.	I. Earl Hugh I. (3).	X. Earl Hugh II. (22).
	II. Earl Richard (5).	XI. Earl Hugh II. (24).
	III. Earl Ranulf I. (6).	XII. Earl Ranulf III. (25).
Col. 2.	IV. Earl Ranulf II. (12).	XIII. Earl John le Scot (26).
	V. Earl Ranulf II. (9).	XIV. Henry II. (28).
	VI. Earl Hugh II. (21).	XV. Archbishop Anselm (4).
	VII. Earl Ranulf II. (349).	XVI. Edward, eldest son of Henry
	VIII. Henry II. (350).	III. (27).
	IX. Richard de Rullos (23).	

Comparison with the royal *inspeximus* of 1285 in Charter Roll No. 73, P.R.O. mm. 11-10, No. 38, shows that Badlesmere's scribe was less careful and sometimes omitted words in the text and one or more witnesses. He was also apt to reduce their Christian names to mere initials.

35. Further *inspeximus* and confirmation by Edward I. of charters of Earl Hugh II. and others. June 12, 1285.

Edwardus rex Anglie, filius regis Henrici, testificatus est se vidisse cartas subscriptas quas de verbo ad verbum transcribi fecit et imperpetuum confirmavit, videlicet cartam Hugonis comitis quinti de donacione ecclesie de Prestebur[ia],³ et cartam Ranulphi comitis filii eiusdem illius donacionis confirmacione (*sic*),⁴ et cartam eiusdem Ranulphi de donacione decimarum de dominicis suis in Ruelent, et de molendinis in Engelfeld, et de communa pessone in omnibus forestis suis in Cestriria et in Englefeld,⁵ et cartam predicti Ranulphi de confirmacione omnium donacionum quas antecessores sui contulerunt et de

¹ *Hist. Ant.* 109=Orm. i. 12.

³ No. 24.

⁴ No. 25.

² See p. 25.

⁵ No. 598.

earundem donacionum libertatibus,¹ et eciam cartam Johannis comitis de libertatibus Westone in Derbisiria,² et cartam Henrici regis de mercatu de Astone et de feria eiusdem,³ et cartam Roberti filii Jordani de Worth de quieta clamacione ville de Chelleford cum molendino.⁴

For this *inspeximus* see *Cal. Charter R.* ii. 310. The chartulary scribe has misplaced the Weston charter, which comes first in the *inspeximus*, by attributing it to Earl John instead of King John.

36. Resignation by Edward I. for himself and his heirs of all claim to the issues of the monastery during a vacancy of the abbacy, except that they shall have a serjeant there who shall have two subkeepers—one in the cellar and the other at the gate—to guard the goods and issues of the monastery and take their reasonable expenses therefrom. New abbots not to be required to give a pension to a king's clerk on their appointment. 1292.

Edwardus rex Anglie, filius Henrici regis, inquisitis et cognitis libertatibus de exitibus monasterii sancte Werburge tempore vacacionis disponendis, reddidit ipsum monasterium tempore vacacionis de talibus exitibus ita libera (*sic*) imperpetuum quod ipse uel heredes sui nichil clament uel habeant de eis ad opus suum, nisi tantum quod vnus seruiens ibidem sit ex parte sua uel heredum suorum, qui duos habeat sub se custodes, videlicet vnum in celario et alium ad portam, qui integre bona et exitus monasterii custodiant et expensas rationabiles inde percipiant; et quod abbates dicti monasterii racione nouarum creacionum in aliqua pensione alicui de clericis suis uel heredum suorum non teneantur imperpetuum.

During the interval between the death of abbot Simon de Albo Monasterio, on Feb. 22, 1291, and the restoration of the temporalities of the abbey to his successor Thomas de Burchells, on May 24 following, the king had taken the revenues of the house into his hands and subsequently required the new abbot to grant a pension of £5 yearly to a king's clerk until he received a competent benefice. This was the usual practice in both respects in vacancies of abbeys held of the crown, but Thomas only conceded the pension under protest, and demanded an inquiry as to whether these rights were lawfully exercised in the case of his house. On searching the rolls of the Exchequer at Chester and holding an inquest of true and lawful men of the county, it was found that they had never been used by the king's father after the earldom came into his hands, and that the first four earls in their gifts

¹ No. 18.

² No. 129.

³ No. 130.

⁴ No. 563.

to the abbey had reserved only prayers for the souls of the kings and themselves. On June 30, 1292, therefore, the issues received during the late vacancy were restored by letters patent, and the pension granted by the new abbot was cancelled.¹

The placing of a royal serjeant with two keepers under him in charge of the abbey during a vacancy was found to have been the course pursued after the deaths of abbots Walter de Pinchbeck and Roger Frend.

- 37.** Grant by Edward I. to the abbot of Chester, on his resignation of a general privilege for hunting in Cheshire formerly given by Ranulf II., of the right to take six bucks and six does yearly in their hunting seasons in his forest of Delamere, with immunity in case he or his men accidentally take beasts out of season. Grant also of the privilege of coursing for taking hares and foxes throughout the forests of Cheshire with their greyhounds or coursing-dogs. Also confirmation of the rights enjoyed by his predecessors to receive a stag from the king every year on the feast of St. Werburgh and the tithe of the venison taken by the king or his men in the forests of Cheshire. June 12, 1285.

From Charter Roll 73, 13 Edward I. m. 25, No. 79 (C.R.), collated with the abbreviated copy in the chartulary (Ch.).

Rex archiepiscopis etc salutem. Cum Ranulphus dudum comes Cestrie per cartam suam quam inspeximus concessit Radulpho tunc abbati Cestrie hanc videlicet libertatem quod ipse et successores sui imperpetuum per totam Cestreshiriam fugare possent ceruos et omnes alias feras iuxta genus suum, ac dilectus nobis in Christo Simon nunc abbas loci eiusdem, perpendens dictam libertatem nobis et foreste nostre predictae onerosam esse et tediosam, eandem libertatem qua idem abbas et predecessores sui a tempore concessionis predictae vsi fuerant quiete reddiderit in manum nostram de assensu et voluntate conuentus sui loci supradicti.² Nos eidem abbati super hoc compensationem facere volentes concessimus pro nobis et heredibus nostris.

¹ *Rot. Parl.* i. 80b, 89b; *C.P.R.* 1281-92, 471. The abbey chronicler draws attention to an implicit recognition of its privilege in 1265 after the temporary deposition of abbot Simon. The lord of Cheshire had no right to the issues during a vacancy of the abbacy "eo quod dicta Abbazia super nullam baroniam sit fundata sed omnia ad eandem spectantia data sunt in puram et perpetuam elemosinam" (*Ann. Cestr.* 96). For a contrary precedent in the twelfth century see p. ii. n. 7.

² The Ch. omits this preamble and puts Edward I.'s grant into the third person. No copy of Ranulf II.'s grant seems to have survived.

quod idem abbas et successores sui imperpetuum per se uel suos singulis annis capere¹ possint cum canibus currentibus, leporariis, arcubus, seu retibus per duas vices ann, iuel pluries si voluerint, sex damos et sex damas in foresta nostra de La Mare videlicet sex damos in sesona pinguedinis² et sex damas in sesona fermesonis,³ prout iuxta modum predictum magis viderint expedire. Et si forte ipse uel sui sic in fugando per canes aut homines suos casu fortuito et non maliciose ceruum, bissam, uel fetonem, uel feram aliam extra sesonam, vtpote [f. 7 (4).] damum in hieme uel damam in estate, ceperit uel ceperint volumus quod feto ille seu fera illa, cuiuscunque generis fuerit, sic capta computetur infra numerum predictorum damorum et damarum et quod per nos, iusticiarios, forestarios,⁴ viridarios aut alios ministros foreste occasione capcionis illius non occasionentur in aliquo uel grauentur. Concessimus eciam pro nobis et heredibus nostris predicto abbati quod ipse et successores sui imperpetuum per forestas Cestreshirie cum leporariis suis siue canibus currentibus habeant cursum suum ad lepores et uulpes capiendos.⁵ Concessimus eciam pro nobis, etc, quod ipse et successores sui imperpetuum habeant singulis annis in festo sancte Wereburge virginis vnum ceruum per nos uel nostros capiendum in honorem eiusdem virginis, et eciam quod ipse et successores sui imperpetuum habeant decimam venacionis per nos uel nostros capte in forestis predictae Cestreshirie, sicut ipse et predecessores sui ceruum illum et decimam illam habere consueuerunt temporibus retroactis. Quare volumus, etc, ut predictum est. Hiis testibus: venerabilibus patribus R[oberto] Bathoniensi et Wellensi, W[illelmo] Norwycensi, A[ntonio] Dunolmensi, et W[altero] Sarisberiensi, episcopis, Johanne de Warennā comite Surreie, Johanne de Vescy, Ottone de Grandisono, Reginaldo de Grey, Roberto filio Johannis, Gunselino de Badelesmere, Petro de Chaumpuent, Ricardo de Bosco, Waltero de Eueresle, et aliis. Data per manum nostram apud Westmonasterium xii die Junii. Et duplicatur.

The king's order to the justice of Chester to have this charter read in full county court and firmly observed is dated July 1, 1285 (Orm. ii. 110).

¹ capere om. Ch.

² pinguedinis om. Ch. The season for hunting the hart and the buck, 3rd of May to the 14th of September (Turner, *Select Pleas of the Forest*) (Selden Soc.), 146).

³ fermesonis C.R., usually fermisone. The season for hunting the hind and the doe, 11th of November to the 2nd February (*ib.* 142).

⁴ per se vel iusticiarios forestarum Ch.

⁵ In Ch. this grant comes last of all.

- 38.** Verdict of a jury of inquest before Richard de Shireburne¹ that the abbot of Chester by the liberties of his house may or ought and is wont (1) to break up and clear land, make mills and mill-pools, and put up sheepfolds within his manors in the forests of Cheshire; (2) to take venison in his passage through the said forests; (3) to receive the true tithe of all venison taken for the benefit of the lord of Cheshire as well in parks as in forests; (4) to have two cartloads of dead wood for the abbey kitchen from Delamere forest daily except in the close month of fawning; (5) to have the tithes of all the mills of Chester, and the tithe of salmon taken at the (Dee) bridge and of the Dee fishery, in addition to the tenth penny of the ninepence received from the bridge and other fisheries, and also the true tenth of all the issues of Chester city. September 30, 1272.

Harl. MS. 2071, f. 19 (old, 6), copied by Randle Holme from the original; collated with the shortened copy in the chartulary.

Memorandum quod in crastino sancti Michaelis anno regno domini Henrici, patris domini Edwardi, quinquagesimo sexto dominus Ricardus de Shirburne a dominis W[altero] Dei gratia Eboracensi archiepiscopo Anglie primate, domino Rogero de Mortuomari et Roberto Burnell Eboracensi archidiacono incliti viri domini Edwardi illustris regis Anglie primogeniti in remotis agentis locum tenentibus, ad comitatum Cestrie ad querelas inter quoscunque balliuos et tenentes dicti domini Edwardi Cestresire audiendas et terminandas specialiter destinatus volens super quibusdam articulis certificari super quibus dominus Reginaldus de Grey tunc iusticiarius Cestrie fratrem Simonem² abbatem Cestrensem inquietabat et molestabat, et super quibusdam aliis articulis infrascriptis, diligenter fecit inquisitionem per iuratores infrascriptos, videlicet dominum Robertum³ de Stokport, Galfridum de Chedle, Patricium de Heselwall, Ricardum de Holt, Willelmum de Wystanton milites, Ricardum Orreby, Willelmum de Hoton, Alanum de Limme, Philippum de Stapelehe, Ricardum Starki, Ricardum de Munshal, Robertum de Wyninton, Bertramum de Melis, Willelmum de Baggel[ehe], Willelmum Bernard, Adam de Kelsale, Galfridum de Morton, Alexandrum de Benuile, Robertum de Pulle, Ricardum de Thornton, Hugonem

¹ For Shireburne's appointment to hold the inquiry see No. 32, and for some of the liberties ascertained No. 37.

² Thomam MS.

³ In the Harl. MS. the names, except the third, are in the nominative.

de Dutton, Hugonem de Pulford, Thomam de Bertumleg' : qui dicunt super sacramentum suum quod abbas Cestrie de iure per cartas suas et alias libertates monasterio suo concessas et vsitatas potest et solet frussare, assartare, molendina et stagna construere, et bercarias leuare infra diuisas maneriorum suorum in forestis Cestrisirie. Dicunt insuper quod cum dictus abbas transitum facit per forestas Cestrisirie potest capere omne genus venacionis cum leporariis suis ubicunque ipse presens fuerit. Item dicunt quod dictus abbas solet habere duas carectas singulis diebus, excepto mense fetus vetito, ad cariandum mortuum boscum de foresta de Mara ad coquinam dicti abbatis et conuentus sui. Item, dicebant per sacramentum suum quod idem abbas debet et solet habere rectam decimam de tota venacione quod capitur ad opus domini Cestrisirie tam in parcis quam in forestis. Item, dicunt per dictum sacramentum suum quod idem abbas debet et solet habere rectam decimam omnium molendinorum Cestr[ie]¹ et decimum salmonem pontis et piscacionis de Dee, et nichilominus decimum denarium de illis nouem denariis qui accipiuntur de ponte et aliis piscacionibus, et insuper rectam decimam omnium exituum ciuitatis Cestrie. In cuius rei testimonium [etc., 21 seals drawn]. See Addenda, *supra*.

During this visit to Chester Shireburne inspected the charters of the abbey (Nos. 32, 33). A note in another hand at the foot of the page in the chartulary runs: "Dominus Walterus de Evesham dixit quod dominus Reginaldus de Grey non permisit hoc veredictum irrotulari in Domesday in odium predicti Ricardi de Schyreborne."

39. Grant by Hente de Boydell and his wife Idonea to the abbey of 2s. yearly from their rents in Chester. c. 1155-80.

Hente de Boydel et Ydonea uxor eius dederunt sancte Werburge ii solidos annuos in perpetuam elemosinam de suo censu quem habuerunt in Cestria percipiendos ut balliui eorum illos annuatim pro eis redderent in Natiuitate sancti Iohannis Baptiste.

Hente or Helte de Boydell (Boidele²) appears as a witness in the early years of Hugh II.'s time (*C.P.R.* 1399-1401, p. 301), is mentioned in 1171 (*Pipe Roll, Lincs*, 17 Hen. II. 103), and was dead by 1180 (*ib.* 26 Hen. II. 50). His wife survived him and was still living as late as

¹ Cf. an order of January 8, 1246, to the justice of Chester to let the abbot have the tenth penny of the issues of the city of Chester and of its fishery and mills (*C.C.R.* 1242-7, p. 382). For the original grants see Nos. 5 and 12. For fines incurred by the abbots for trespasses in the forest after the date of the charter see the *Chamberlains' Accts.*, ed. Stewart-Brown (Rec. Soc. 59).

² Latinised de Bosco-Ale.

1242 (*Testa de Nevill*, 333). She seems to have been heiress of the lands held by Osbern Fitz-Tesson in 1086¹: Dodleston, Handley, etc., in Cheshire, and in Lincolnshire Stainton, Newball, and Maidenwell (Sitwell, *Barons of Pulford*, 79). Her dower was assigned in the latter, and early in the thirteenth century she gave land to Barlings abbey as Idonea de Neubela (*ib.* 78).

Hugh de Boydell, eldest son of Hente, died *temp.* Richard I. or early in John's reign. His charter to Robert Lancelyn (Orm. ii. 440) is earlier than 1184 if William Patric (of Malpas), one of its witnesses, was the same who died in that year (*Ann. Cestr.* 32). Alan de Boydell, Hugh's next brother, was dead by 1212 (*Testa de Nevill*, 339). He resigned all the Cheshire lands to his younger brother William before May 1208 (Orm. i. 575, No. IV., ii. 845). William's descendants in the male line held the Cheshire estates down to the reign of Edward III. See Addenda, *supra*.

- 40.** Grant by Hente de Boydell to the abbey of 8s. yearly with his body, viz. 2s. from the church of Handley [No. 42] and 6s. from his goods. *c.* 1174-80.

Hente de Boydel dedit cum corpore suo ecclesie sancte Werburge viii solidos annuos, scilicet ii de ecclesia de Hanlegh' et vi de diuisa sua, ad Natale Domini et ad Natale sancti Iohannis Baptiste.

This gift was confirmed by Richard, Archbishop of Canterbury (1174-84). See No. 96 below.

- 41.** Confirmation of the above grant by William de Boydell, rector of Handley, son of the grantor. 1180-1208.

Willelmus de Boydel, clericus et persona de Hanlegh', dedit et confirmavit ecclesie sancte Werburge viii solidos annuos quos Hente, pater suus, eidem ecclesie prius dederat et cartam altario sancte Werburge optulit.

William was afterwards rector of the Boydell moiety of Lymm church, before succeeding to the family estates (Orm. i. 575, No. IV.; see note on No. 39).

- 42.** Grant by Alan de Boydell to the abbey of the church of Handley. *c.* 1200-1208.

Alanus de Boydel dedit ecclesie sancte Werburge ecclesiam de Hanlegh' cum omnibus pertinenciis.

The lower limit of date is fixed by the licence for the appropriation of the church (below, No. 84) granted by Bishop Geoffrey de Muschamp

¹ Ormerod (ii. 845) erroneously makes Helte himself a descendant of Osbern.

(1198-1208). Alan's gift of the church of Dodleston is entered below (No. 82).

- 43.** Confirmation by William de Boydel of his brother Alan's grant of Handley church. c. 1208-29.

Willelmus de Boydel confirmavit ecclesie sancte Werburge donacionem ecclesie de Hanleye quam Alanus de Boydel, frater eius, fecit.

- 44.** Quitclaim by Sir John de Boydel, kt., to the rectors of the church of Handley of any right in a ditch surrounding the rectory and a messuage of his own in Handley. c. 1277-1309.

Johannes de Boydel miles quiete clamavit rectoribus ecclesie de Hanlegh' ius et clamium quod habuit uel alico modo habere potuit in uno fossato circumeunte curiam illorum et messuagium suum in Hanleye a scala ecclesie versus orientem usque ad regiam viam.

See *Cal. Inq.* vol. ii. No. 213.

- 45.** Grant by Ranulf de Rhuddlan, son of William (le) Meschin, to the abbey of the church of Dyserth (co. Flint) which his father had previously given into the hands of abbot William (1121-40). c. 1132-35.

Ranulphus de Ruelent filius Willelmi Meschini dedit sancte Werburge ecclesiam de Dissard cum omnibus pertinentiis, quam pater suus Willelmus filius Ranulfi prius eidem ecclesie dederat in manu Willelmi abbatis.

William le Meschin's gift of the church of Dyserth was made in the lifetime of his elder brother Ranulf I., Earl of Chester (above, p. 48), and therefore between 1121, when William became abbot of Chester, and 1129, the year of Ranulf's death. William le Meschin died about 1132 and Ranulf his son and heir, who had consented to his gift, about 1135 (Farrer, *Early Yorkshire Charters*, iii. 468-70). Ranulf's confirmation of the grant was probably made between the two dates.

In the record of his foundation of Calder abbey in 1134 the grantor of this charter is called Ranulf Meschin (Dugdale, *Monasticon Anglicanum*, v. 340). He was probably born at Rhuddlan.

- 46.** Grant by Roger de Mainwaring to the abbey of a third part of (Over) Tabley, free from all service to king and earl and all men. c. 1150-76.

From the original, Mainwaring Charter No. 4 (Rylands Library).

Sciant tam presentes etc quod ego Rogerus de Menilgarin dedi in perpetuam elemosinam Deo et sancte Werburge Cestre, et monachis ibidem Deo seruientibus, terciam partem de Thab-belewe cum omnibus pertinentiis suis. Quapropter precor omnes amicos meos et precipue heredes meos, ut sicut diligunt salutem anime mee manuteneant hanc meam donationem, et faciant eam solutam et quietam et liberam ab omni re et ab omni seruitio, apud regem et comitem et apud omnem hominem, sicut decet elemosinam. His testibus: Willelmo Malbanc et Philippo fratre eius, Hamone de Maci, Albrico¹ de Cumbr[ay], Rannulpho de Menilgarin et Willelmo fratre eius et Gaufrido nepote eius, Ricardo filio Madiou, Rannulpho uenatore, Hugone de Duttun, Willelmo Thoredo, Andrea canonico, Willelmo Superbo, Pagano, Hudardo, Hugone fil' Waland, Willelmo de Kent, et multis aliis.

For the date see Orm. i. 471 and iii. 226, where by a slip the grant is referred to *Nether Tabley*. William Malbank (II.) is said to have died about 1176 (*Rotuli de Dominabus* (Pipe R. Soc.), 31). The Leycesters of Nether Tabley became tenants of the abbey in this third part of Over Tabley at the end of the thirteenth century.

- 47.** Attestation by Bishop Roger (de Clinton?) of the grant by Ranulf Venator to God, St. Mary, and Juhel the priest and his successors of the dwelling-place of Cattenhall and the tenth part of the whole provisioning of his house. 1129-48?

Rogerius Cestrensis episcopus protestabatur quod Ranulfus Venator et uxor eius et filii dederunt locum habitacionis Catenhale Deo et sancte Marie et domino Iuhelo sacerdoti et suis successoribus imperpetuum et decimam tocius procurii domus sue.

Ormerod (ii. 98) was inclined to assign the gift of Cattenhall in Kingsley to a Kingsley in the time of Bishop Roger de Weseham (1245-56) or Roger de Meulan (1257-95). But there was no Ranulf in the main line of the Kingsleys contemporary with those bishops, and the description Ranulfus *Venator* seems to point to the first Ranulf, who was appointed master-forester in fee of Mara and Mondrem by Henry I. before 1128. In that case the episcopal sanction must have been given by Bishop Roger de Clinton.

Apparently Ranulf the Hunter by this gift endowed a chapel, probably at Cattenhall itself. This inference seems confirmed by the fact that when later Richard Kingsley of Kingsley gave Cattenhall to Chester abbey, the monks were bound to find in the same manor two

¹ ? for Aluredo. The charter has a parchment tag for a (missing) seal.

chaplains to celebrate mass for the souls of the lords of Kingsley and for the souls of all the faithful deceased (Orm. *loc. cit.*). It is strange that the actual gift to the abbey is not entered in the chartulary. Cf. No. 597.

The concluding grant should be compared with the gift by Geoffrey de Essex and his wife to Clerkenwell nunnery of "totam decimam totius victus et procuracionis illorum et domus et familie suae" (Dugd. *Mon.* iv. 85).

48. Grant by Katherine, wife of Hamelin Bardulf, of Overpool (Wirral) to the abbey.

Katerina sponsa Hamelini Bardulf dedit ecclesie sancte Werburge in perpetuam elemosinam Huuerpulle solutam et liberam cum omnibus pertinenciis.

There seems to be no other record of the grantor or her husband; but Overpool was a Malbank manor, and an Annora Malbank and her husband Robert Bardulf held lands *temp.* John in Great Brickhill, Bucks, which was also held by the Malbanks of the Chester fee (*Abbrev. Plac.* 76; D.B. i. 147; *Feudal Aids*, i. 83). A Hamelin Bardulf, apparently of Norfolk and Suffolk, occurs rather earlier (*Pipe R.* i. Richard I. 45).

49. Confirmation by Hamelin Bardulf of his wife's grant of Overpool.

Hamelinus Bardulf confirmavit donacionem de Vuerpulle quam Katerina sponsa sua fecit ecclesie sancte Werburge.

50. Confirmation by Earl Hugh II. of the grant in his presence by Robert de Mouldsworth to the abbey of a tenement outside the east gate of Chester. 1153-81.

Hugo comes Cestrie concessit quod ecclesia sancte Werburge ^[f. 7d (4d).] habeat unam masuram extra portam orientalem quam Robertus de Moldeworthe coram ipso dedit.

51. Grant by Earl Ranulf II. to the abbey of the land which had belonged to Hagene de Chel. 1129-53.

Ranulphus comes Cestrie dedit ecclesie sancte Werburge Cestrie terram que fuit Hagene de Chel cum omnibus pertinenciis in bosco, in plano, in pratis, in aquis, solutam et quietam.

In Ranulf Gernons' charter (above, p. 59) this gift is grouped with various donations in Chester, and it may perhaps be inferred that the land in question lay in or near the city. Hagene de Chel—for whose first name see Yonge, *History of Christian Names*, ii. 319—

possibly derived his surname from Great or Little Chell, in North Staffordshire.

- 52.** Grant by Earl Ranulf (? III.) to the abbey of half an oxgang of land in Sibsey (near Boston). ? 1181-1232.

Ranulphus comes Cestrie dedit dimidiam bouatam terre sancte Werburge in uilla de Cibesey cum omnibus pertinenciis, solutam et quietam ab omni seruicio.

- 53.** Grant by Earl Ranulf III. to the abbey of the whole service and homage which Geoffrey, son of Acke, owed him for land held of him in Sibsey (Lincs), paying him ros., of which the monks shall give 20*d.* yearly to the lepers of Boughton and with the rest feed a hundred poor people in the abbey on the day of the anniversary of the donor's father, Earl Hugh. 1181-1232.

Ranulphus comes Cestrie dedit ecclesie sancte Werburge totum seruicium et homagium quondam sibi debitum Galfridi filii Acke de Sibeseye de terra quam de se tenuit in Sibesey reddendo ei annuatim x solidos, de quibus dicti monachi soluent annuatim leprosis de Bohton' xx denarios et de residuo pascent c pauperes in die anniuersario sui patris H[ugonis] infra abbaciam Cestrie.

The leper hospital of St. Giles at Boughton, of which Earl Ranulf was the founder, stood a little to the east of Chester on the London Road. The district is still called Spital Boughton (Orm. i. 352, 372). For the same earl's gift of another 20*d.* yearly to the lepers of Chester from a larger gift to the abbey from the receipts of the sheriffwick see No. 315.

- 54.** Grant by Earl John le Scot to the abbey of the tithes of his new mills in Cheshire. 1232-37.

From Randle Holme's copy of the original, Harl. MS. 2071, f. 21 (old, 8).

Omnibus sancte matris ecclesie filiis Johannes de Scocia comes Cestrie et Huntingdonie salutem. Noueritis me concessisse et dedisse Deo et sancte Werburge et abbati et monachis Cestrensibus, pro salute anime mee et pro anima comitis Rannulphi auunculi mei et pro animabus Dauid patris mei et Matildis matris mee et omnium antecessorum et heredum meorum, in puram et perpetuam elemosinam, decimas nouorum molendinorum meorum de Cestriasc[ire]¹ integre et plenarie. Quare

¹ Cestr̄. Ch.

volo et firmiter precipio quod predicti abbas et monachi predictas decimas de ipsis nouis molendinis meis plene percipiant et in pace possideant. In cuius rei testimonium presenti scripto sigillum meum apponi feci. Hiis testibus: domino Ricardo Phiton tunc iusticiario Cestrie, dominis Warino de Vernon, Hamone de Mascy, Willelmo de Malo Passu, Hugone Phiton, Willelmo de Lāy,¹ Hugone clerico, et aliis.

Equestrian seal: ✠ SIGILLVM . . . [HUNTINGDO]NIE. *Reverse, shield of arms, [or], 3 pales [gules].* ✠ SIGILLVM SECRETI.

The grantor succeeded his uncle Ranulf III. as Earl of Chester by creation on November 21, 1232, and died in June 1237. His mother's death took place at Epiphany 1233.

55. Agreement between Thomas (de Burchells), abbot of Chester, on the one part, and Agnes (de Arderne), widow of Sir Warin Mainwaring, and William, son of Sir William Trussell, and Matilda, wife of the younger William, daughter and heiress of the said Warin, on the other part, to divide a disputed heath lying between the abbot's manors of Eastham and Childer Thornton and the manor of Willaston belonging to the said Agnes, etc., in the proportion of two to one, the shares to adjoin their respective manors. While the heath remains untilled, both parties are to retain common of pasture, etc., over it, but neither is to dig, take peat or make any sale, gift or agistment in the share assigned to the other. If the heath is ever taken into cultivation, the said Agnes, etc., may enclose one acre for every two acres enclosed by the abbot and convent, but shall not so approve any part of their share until the abbot or his successors have made an improvement in theirs. April 29, 1305.

Cum contencio fuisset exorta inter T[homam] abbatem Cestrie et Agnetem que fuit vxor domini Warini de Meynwaring et Willelmum filium domini W[illelmi] Trussell et Matildam vxorem dicti Willelmi filii dicti domini Willelmi, filiam et heredem dicti Warini, super quadam bruera iacente inter maneria de Estham, Childerthornton et Wilaston a quadam via que vocatur Blakestret usque ad quamdam vallem versus Estham que vocatur iuxta intencionem dicti abbatis Esthamdale et secundum dictum dicte Agnete Mukeldale in latitudine, et a quodam sichetto versus Childrethornton quod vocatur Bradesiche extendente

¹ Lacy interlined.

se usque ad le Blakestrete, et sic sequendo le Blakestrete usque Stokuuelsiche versus Haregraue in longitudine, et sic sequendo le Stokuuelsiche usque predictam vallem, et sic sequendo predictam vallem usque ad predictum sichetum de Bradesiche, usque ad quam vallem et usque ad quam predictam viam et usque ad que predicta sicheta dissencio fuit bundarum et metarum inter dicta maneria inter partes predictas.

Tandem apud Cestriam die Iouis proxima post festum sancti Marci anno regni regis E[dwardi] filii regis H[enrici] xxx. 3. pro bono pacis et equitatis zelo cordiali ita partes predictae conuenerunt quod predicta bruera infra predictas metas et diuisas maneriorum dictorum diu contenciosa fideliter et legaliter mensuretur per acras et rodas et alias suas particulas omnimodas, et quod secundum illam mensuracionem particio fiat dicte bruere inter partes predictas. Ita videlicet quod due partes dicte bruere proxime et contigue dictis maneriis de Estham et Childerthornton inter metas predictas remaneant dicto abbati imperpetuum tanquam solum eius proprium. Et quod tertia pars proxima et contigua manerio de Wilaston secundum mensuracionem dictam remaneat dicte Agneti ad totam vitam dicte Agneti ac dicto Willelmo et dicte Matilde et ipsius heredibus imperpetuum tanquam solum eorum proprium. Ita videlicet quod quamdiu dicta bruera remanserit inculta et non approuiata, dictus abbas et eius successores et eorum tenentes ac dicta Agnes et W[illelmus] et M[atilda] et heredes eius et eorum tenentes habeant communam pasture et aliorum proficuorum in bruera predicta, sicut habuerunt ante formam istius pacis concessae; obseruato tamen quod non liceat dicte Agneti in vita sua nec W[illelmo] nec M[atilde] nec eius heredibus nec eorum tenentibus fodere nec terricidium capere in solo illius bruere remanente abbati etc per predictam particionem, nec vendicionem, donacionem seu agistacionem facere in dictis duabus partibus dicte bruere in sesina dictorum religiosorum remanentibus. Et quod non liceat dictis abbati etc fodere nec terricidium capere etc in dicta tertia parte dicte bruere dictis Agneti et aliis eorum predictorum per particionem predictam remanente.

Et si ita contingat quod per processum temporis possit dicta bruera in culturam redigi et per aracionem, inclusionem, vel alio modo, approuiari vnanimiter concordatum est quod quando-cunque dicti religiosi uel eorum successores infra partem suam infra predictas suas duas partes dicte bruere se approuiauerint de duabus acris, dicta Agnes tempore vite sue et W[illelmus] et M[atilda] et eius heredes libere se possint per aracionem,

inclusionem, seu alio modo, infra terciam partem suam dicte bruere se approuiare de una acra et sic secundum maius et minus prout dicti religiosi se approuiauerint in dicta bruera. Ita videlicet quod dicta Agnes, W[illelmus] et M[atilda] et eius heredes se non approuient in dicta tercia parte sua dicte bruere antequam abbas etc approuiauerint se in duabus partibus suis bruere predictae.

Eastham was given to the abbey by Earl Ranulf II. ; the date of its acquisition of Childer Thornton is not recorded, but Little Sutton within the view of frank-pledge for which it was included had been part of the possessions of the old canons of St. Werburgh (Orm. ii. 426 ; D.B. i. 263).¹

In the first half of the thirteenth century the manor of Willaston in Wirral was held by the prosperous Orrebies, immigrants from Lincolnshire. An heiress, Agnes de Orreby, carried it into the more enduring family of Arderne of Aldford, itself, though more remotely, an importation—from Northamptonshire. Another Agnes, her granddaughter, brought it in marriage to Sir Warin Mainwaring (*d.* 1288–89), the last male in the direct line of the original stem of that widespread house which was seated at Warmingham. Their daughter Matilda married William Trussell junior of Cubbleston, and by this marriage Willaston along with Warmingham passed to the Trussells, subject to the life-interest of the widow of Sir Warin (Orm. ii. 85, 544 ; iii. 226).

The agreement before us has escaped the notice of the Cheshire historians. It carries back the date of the marriage of William Trussell and Matilda Mainwaring to a time earlier than was hitherto known.

Mr. Fergusson Irvine and Mr. Stewart-Brown have traced the exact area covered by the agreement. Nearly all the fields retain the word Heath in their names. The Blakestrete is now called Streetey—*i.e.* Street-Hey Lane, the fields lying along its east side being known as the Street Heys.

56. *Inspeximus* by Robert Burnell, Bishop of Bath and Wells and Chancellor of Edward I., of the charters of Earls Hugh I. and Richard to the abbey. ? 1283.

Dominus Robertus Burnel, Batoniensis et Wellensis episcopus, cancellarius domini Edwardi regis, testificatus est se inspexisse cartas Hugonis primi comitis Cestrie² et Ricardi filii eius,³ quas de verbo ad verbum transcripsit et in testimonium huius inspectionis, [*f.* 8 (5).] rege precipiente et ipso gratanter annuente, sigillo suo muniuit.

¹ Mr. Brownbill, however, has suggested that Thornton was included in the grant of Eastham (*Trans. Hist. Soc.* (N.S.) xv. 22).

² No. 3.

³ No. 5.

- 57.** Second *inspeximus* by Robert Burnell of the charters already mentioned together with charters of Earls Ranulf I. and II. and Hugh II. 1283.

Simili modo predictus episcopus fecit de cartis predictis in alia cedula, addendo cartam Ranulphi I comitis tercii de donacione Uptone et nundinis et aliis in eadem carta subscriptis,¹ et cartam predicti Ranulphi de confirmatione donacionum suorum antecessorum et aliorum,² et cartam eiusdem Ranulphi de donacione decimarum reddituum ciuitatis Cestrie,³ et cartam Hugonis comitis quinti de confirmatione donacionum de decima dominiorum comitum Cestririsie.⁴

Randle Holme seems to have had this roll or a copy of it in his possession, which he refers to as roll KK. (Harl. MS. 2071, f. 45*d*). It was dated at Acton Burnell in 1283, doubtless during the so-called parliament held there in that year. The scribe attributes at least one of the charters of Ranulf II. to his father. See note to No. 30.

- 58.** Third *inspeximus* by Robert Burnell, containing charters of Earls Ranulf II., Hugh II., and Ranulf III., and of Ranulf de Rhuddlan. ? 1283.

Item idem Robertus Burnel testimonium perhibuit de inspeccione carte Ranulfi comitis quarti de confirmatione donacionum suorum antecessorum⁵ et carte de decimis reddituum ciuitatis Cestrie,⁶ et carte Hugonis comitis quinti de confirmatione decimarum dominiorum suorum Cestririsie,⁷ et carte Ranulphi comitis tercii de confirmatione Upton' et nundinis Cestrie et aliis in eadem carta subscriptis,⁸ et carte Ranulphi, sexti comitis, de decimis de Ruelant et molendinorum de Engelfeld,⁹ et carte Ranulfi de Ruelant de ecclesia de Dissart.¹⁰

- 59.** Fourth *inspeximus* by Robert Burnell, containing charters of Earls Ranulf I., Hugh II., and Ranulf III., of King Henry II., and of Richard de Rullos. ? 1283.

Item dictus Robertus Burnel testimonium perhibuit de inspeccione carte Ranulfi comitis quarti de donacione Estham et Brombur',¹¹ et carte de confirmatione Henrici regis Anglorum super donacione predicta de Estham et Brombur',¹² et carte dicti regis de libertatibus et pace ecclesie sancte Werburge,¹³

¹ No. 6.

² The latter half of No. 6 or No. 9.

³ No. 12.

⁴ No. 21.

⁵ No. 9.

⁶ No. 12.

⁷ No. 21.

⁸ No. 6.

⁹ No. 598.

¹⁰ No. 45.

¹¹ No. 349.

¹² No. 350.

¹³ No. 28.

et carte Ricardi de Rolles de donacione de Grauesbi,¹ et carte Hugonis comitis quinti de confirmacione donacionis Ricardi de Rolles et libertatibus Grauesbi,² et carte dicti Hugonis de donacione ecclesie de Presteburi,³ et carte Ranulfi, comitis sexti,⁴ de licencia venandi per omnes forestas Cestresirie,⁵ et carte Ranulphi III, comitis sexti, de confirmacione generali omnium possessionum et libertatum ecclesie sancte Werburge.⁶ Has predictas testificaciones dictus Robertus Burnel, Batoniensis episcopus, sigillo suo, rege Edwardo precipiente et ipso gratanter annuente, muniuit.

60. "Carta communis Cestrisirie," being the grant by Earl Ranulf III. to his Cheshire barons of certain liberties for which they had petitioned: (1) To try in their own courts all causes save pleas of the (earl's) sword and to bail out their men when arrested unless captured in flagrant delict; (2) to receive trustworthy strangers to settle on their lands, saving a like right to the earl; (3) service in war to be done for as many knight's fees as they held, their knights and freeholders keeping the needful armour, and substitutes being allowed in cases of incapacity; (4) their villeins to be exempt from military service; (5) their men if impleaded without witnesses by the sheriff or a serjeant in the earl's court to be allowed to defend themselves by an absolute denial (*Thwertnic*); (6) exemption from sheaves and offerings formerly levied by his serjeants and beadles; (7) fines of doomsmen and suitors in his courts (for non-attendance, etc.) to be limited to 2s. and 1s. respectively; (8) right to essart their lands within the arable area of the forest and to grow crops on land formerly cultivated and free from wood without payment, to take housbote and haybote in their woods without the supervision of a forester, to give and sell dead wood, etc.; (9) their stewards to represent them in matters affecting their demesne manors; (10) widows to remain forty days in their husbands' houses, heirs of full age to have their inheritance on payment of a relief of £5 per knight's fee; (11) ladies and heirs not to be unequally married; (12) their legacies to hold good; (13) residence in Chester not to emancipate their villeins unless unreclaimed for a year and a day; (14) no military

¹ No. 23.

² No. 22.

³ No. 24.

⁴ ? quarti. See note on No. 37.

⁵ See No. 37.

⁶ No. 18.

service beyond the eastern boundary of Cheshire without their consent and at the earl's expense; (15) when the earl's knights from England are doing castle-guard at Chester, the barons to be released from service, except in case of imminent invasion of Cheshire; (16) the earl's itinerant serjeants to be limited to twelve in time of peace, the master only having a horse, for which no compulsory provender shall be taken from Easter to Michaelmas: no special food to be required for the serjeants, who shall not eat in demesne manors: in war their number to be increased with the advice of the barons.

The petition of the earl's steward, Roger de Monte alto, for wreck and fish cast up by the sea, and shooting rights in the earl's forest, that of others for the latter right and liberty to feed their swine in the forest, and a request for the reduction of the fine to which the dooms-men of Nantwich were liable, were rejected. The privileges granted to the barons were assured also to their knights and freeholders. 1215-16.

From the confirmation (P) on the Patent Roll, 28 Edward I. m. 22 (abstract in *C.P.R.* 1292-1301, p. 499), collated with the chartulary (Ch.), which gives the substantive clauses in full; a fifteenth century office copy in Duchy of Lanc. Miscellaneous Books, 12, f. xxv. (M), being an exemplification dated 3 Henry (? IV.), "pro domine de Halton"; Leycester's transcript (Orm. i. 53) "out of a little parchment book in quarto among the records in the Dutchy-office at Gray's-Inne, London, f. 107" (L), which seems to be lost; and Randle Holme's copy in Harl. MS. 2071, f. 18d (old, 5d), of an original sealed exemplar (H), on the margin of which he has noted some slight variations from another copy in the same hand, of which "both the seales were worne away."

Ranulphus comes Cestrie constabulario, dapifero, iustic[iariis], vic[ecomitibus], baronibus, balliuis,¹ et omnibus hominibus suis et amicis, presentibus et futuris, presentem cartam inspecturis et audituris, salutem. Sciatis me cruce signatum pro amore Dei et ad petitionem baronum meorum Cestreshyrie² concessisse eis et heredibus suis de me et heredibus meis omnes libertates in presenti carta subscriptas imperpetuum tenendas et habendas, scilicet:

1³ Quod unusquisque eorum curiam suam habeat liberam de omnibus placitis et querelis in curia mea⁴ motis, exceptis placitis

¹ et balliuis H. M. The address is shortened in the Chartulary.

² Cestresirie Ch., Cestershiriae L.

³ The clauses are numbered here for convenience of reference.

⁴ sua Ch. The Massey and Halton claims (Orm. i. 526, 705) have "infra curiam domini comitis Cestrie, infra feodum dicte baronie emergentibus."

ad gladium meum pertinentibus; et quod si quis hominum suorum pro aliquo delicto ¹ captus fuerit, per dominum ² suum sine redempcione replegiatur; ita quod dominus suus eum perducatur ³ ad tres comitatus, et eum quietum reducat, nisi sacraber ⁴ eum sequatur.

2 Et si aliquis aduenticius qui fidelis sit in terras eorum venerit, et ei placuerit ibidem morari, liceat baroni ipsum habere et retinere, saluis mihi aduocariis ⁵ qui sponte ad me venerint ⁶ et aliis qui pro transgressu aliunde ad dignitatem meam venerint, et non eis.⁷

3 Et unusquisque baronum, dum opus fuerit in werra, plenarie faciat seruicium tot feodorum militum quot tenet; et eorum milites et libere tenentes loricas aut ⁸ haubergella habeant et feoda ⁹ sua per corpora defendant, licet milites non sint; et si aliquis eorum talis sit quod terram suam per corpus suum defendere non possit, alium sufficientem loco suo ¹⁰ ponere poterit.¹¹

4 Nec ego natiuos eorum ad arma iurare faciam, set natiuos suos qui per Ranulphum de Dauennam ¹² ad aduocationem meam venerunt,¹³ et alios natiuos suos, quos suos esse rationabiliter monstrare poterunt,¹⁴ ipsis ¹⁵ quietos concedo.

5 Et si vicecomes meus aut aliquis seruicius in curia mea aliquem hominum suorum inculpauerit, per thwertnic ¹⁶ se

¹ debito H.

² dominum L, who puts the comma after suum. With the latter half of the clause cf. Assize of Clarendon, c. 3.

³ producat Ch.

⁴ Old Norse *sakar-abere*, "bearer of a suit," a prosecutor (*Eng. Hist. Rev.* ii. 334 n.), Scottish *sacreborgh*. The usual English form is *sakeber*, the prosecutor and sometimes the executioner of the thief caught with the stolen goods in his possession (P. and M. *Hist. of Eng. Law*, ii. 160, 496; *Cockersand Chart*. (Chet. Soc. (N.S.) 43), p. 645, "ubi sacrabel (*sic*) sequitur." Cf. *Orm*. ii. 402-4.

⁵ Strangers under the protection of the earl, a system of Welsh origin. See R. Stewart-Brown, "The Avowries of Cheshire" in *E.H.R.* xxix. 41 sqq., and *Cal. Close R.* 1374-77, p. 418.

⁶ venerunt M.

⁷ This is made clearer in the Halton claim which ends: "et non eis extraneis qui sunt in aduocaria dicti ducis," etc.

⁹ feoda P.

¹⁰ in loco suo L.

¹¹ posset L.

¹² Dauenham Ch., L. See *Orm*. i. 447. Probably a Vernon and keeper of the avowries.

¹³ venerint L. Cf. c. 2.

¹⁴ poterant L.

¹⁵ ipsos L.

¹⁶ thwertuic (for thwertnic) H, thwertnick Ch., H (margin), tweitnic P, M, thiernic L. An absolute denial, downright No. Another form (influenced by thwert-ut = thoroughly, absolutely, *N.E.D. s.v.*) is thwertutnay. The word is said to point to Scandinavian influence. After this denial (which was indispensable and originally could not be qualified) the defendant need not answer further to the charge, unless the plaintiff had brought a suit (*secta*) of witnesses. See *Hist. of Eng. Law*, ii. 609, 615. Cf. *Magna Carta*, 1215, c. 38.

defendere poterit propter sireuestoth¹ quod reddunt, nisi secta eum sequatur.

6 Concedo eciam eis quietanciam de garbis et de² oblacionibus quas seruientes mei et bedelli exigere solebant.

7 Et quod si aliquis iudex aut sectarius hundredi aut comitatus in curia mea in³ misericordiam⁴ inciderit, per duos solidos quietus sit iudex de misericordia et sectarius per xii denarios.

8 Concedo eciam eis libertatem assartandi terras suas infra diuisas agriculture sue in foresta; et si landa aut terra infra diuisas ville sue fuerit, que prius culta fuit ubi nemus non crescat, liceat eis illam colere sine herbergacione⁵; et liceat eis husbote⁶ et haybote⁷ in nemore suo capere de omni genere bosci sine visu forestarii,⁸ et mortuum boscum suum dare aut vendere cui voluerint; et homines eorum non implacitentur⁹ de foresta pro¹⁰ supradicto nisi cum manuopere¹¹ inueniantur.

9 Et unusquisque eorum¹² omnia maneria sua dominica in comitatu et hundredo per unum senescallum presentatum¹³ defendere possit.

The custom was abolished in Cheshire in 1346 as "contrary to the Common Law and the origin of trouble and destructive of peace" (*Cal. Chart. R.* v. 314). The necessity of making the denial as soon as the plaintiff finished speaking, and other drawbacks, had similar results elsewhere (Bateson, *Records of Leicester*, i. 156-60).

¹ Ch., H (margin); stuthe (*al.* stothe) "alias dictum sheriff's tooth," *Orm.* i. 542, 558 (3 Hen. IV.); Shirreuesteth, Stewart-Brown, *Chamberlains' Accts.* (L. and C. Rec. Soc. 59), 133, 171, "a certain rent accustomed and collected in the five hundreds of the County of Chester at the feast of St. Martin"—"stuthe" is also applied in the accounts to cartage and salt customs which were possibly portions of the Sheriff's Stuth (*ib.* 145-6); Sherife Tooth L, sirrefestoht P (*Cal.*—scoht), M, sirretescoht H. The forms do not seem to support a derivation of the word from "sheriff's scot," though it clearly represents the *auxilium vicecomitis* of which that was a common English equivalent. See *N.E.D. s.v.* Stooth; *E.D.D. s.v.* Stut. The sense of "propter . . . reddunt" seems to be that the privilege was conceded to the barons in consideration of their payment of this tax to the sheriff, rather than of a special fee to him in the particular case, as suggested by Mr. Stewart-Brown in *Notes and Queries* (April 1919), p. 93.

² om. L.

³ in om. L.

⁴ misericordia Ch. Non-attendance would be the commonest ground for amercement. Cf. *Domesd. Survey of Chesh.* 85.

⁵ Apparently a payment for cutting wood for building or repairing houses. Cf. Ducange *s.vv.* Herbergage and Herbergamentum.

⁶ housbote L.

⁷ haibote H.

⁸ Cf. Assize of the Forest (1184), c. 3. With this clause cf. also the "Unknown Charter of Liberties," c. 10 (Petit-Dutaillis, *Studies*, i. 118).

⁹ plaoitentur Ch.

¹⁰ de L.

¹¹ L; manu opere M, manumopere P, H, mannumopere, Ch. For the thief taken with the *mainour* or *seisitus de latrocinio* see note on c. 2 and P, and M. *Hist. of Eng. Law*, ii. 495 n., 579.

¹² eorum om. H, L.

¹³ presentem H, L. Cf. *Hist. of Eng. Law*, i. 547.

10 Concedo eciam quod mortuo viro uxor sua¹ per quadraginta dies pacem habeat in domo sua,² et heres suus, si etatem habuerit, per rationabile releuium hereditatem suam habeat, scilicet, feodum³ militis per centum solidos.⁴

11 Neque domina neque heres maritetur ubi disparagetur,⁵ set per gratum et assensum generis sui maritetur.⁶

12 Et eorum legata teneantur.⁷

13 Et nullus eorum natium suum amittat occasione si in ciuitate Cestrie venerit, nisi ibi manserit per unum annum et unum diem sine calumpnia.⁸

14 Et propter graue seruicium quod in Cestreshyria⁹ faciunt, nullus eorum extra Lymam¹⁰ seruicium mihi faciat nisi per [f. 8d (5d).] gratum suum et ad custum meum.

15 Et si milites mei de Anglia summoniti fuerint, qui mihi wardam apud Cestriam debent, et venti sint¹¹ ad wardam suam faciendam, et exercitus aliunde inimicorum meorum non sit in presenti, nec opus fuerit, bene licet¹² baronibus¹³ interim ad domos suas redire et requiescere. Et si exercitus inimicorum meorum promptus fuerit¹⁴ de veniendo in terram meam de Cestreshyria,¹⁵ uel si castellum assessum fuerit, predicti¹⁶ barones cum toto¹⁷ exercitu suo et nisu suo¹⁸ statim ad summonicionem meum venient ad remouendum exercitum illum ad posse suum. Et cum exercitus ille de terra mea recessus fuerit, predicti¹⁹ barones cum exercitu suo ad terras suas redire poterunt²⁰ et requiescere,²¹ dum milites de Anglia²² wardam suam faciunt²³ et opus de eis non fuerit, saluis mihi seruiciis suis que facere debent.

16 Concedo eciam eis quod in tempore pacis tantum duodecim seruiantes itinerantes habeantur²⁴ in terra mea cum uno equo qui sit magistri seruientis qui eciam prebendam non habeat a Pascha usque ad festum sancti Michaelis, nisi per

¹ eius Ch.

³ feodum P, M.

⁵ disparigetur P, M.

⁷ *Ibid.* cc. 26, 27.

⁸ calumpnia L. Ballard, *British Borough Charters*, 103.

⁹ Cestershiria L, Cestrisiria Ch. In the centre of the page in the chartulary in a later hand is "Henry Birkeheued wrote this, God make hym his seruante," with other writing in the same hand. See p. xxix. above.

¹⁰ Limam Ch., L., et Cluyd add. Halton claim.

¹¹ sunt L.

¹² liceat L.

¹³ baronibus meis L.

¹⁴ fuerit om. P.

¹⁵ Cestrisiria Ch, Cestershire L.

¹⁶ ipsi Ch.

¹⁷ toto om. P, H.

¹⁸ et nisu suo H, et visu suo P, M, avisu suo L; Ch. omits.

¹⁹ dicti Ch.

²⁰ poterint L.

²¹ quiescere L.

²² milites Anglie P.

²³ facient L.

²⁴ habeant L.

² Magna Carta, 1215, c. 7.

⁴ Cf. Magna Carta, c. 2.

⁶ Magna Carta, cc. 6, 8.

graciam¹; et ut ipsi seruientes comedant cibum qualem in domibus hominum inuenerint, sine empcone alterius cibi ad opus eorum; nec in aliquibus dominicis baronum comedant²; et in³ tempore werre⁴ per consilium meum, aut iusticiarii mei, et ipsorum, ponantur seruientes sufficientes ad terram meam⁵ custodiendam, prout opus fuerit.

17 Et sciendum est quod predicti⁶ barones petitiones subscriptas quas a me requirebant omnino mihi et heredibus meis de se et heredibus suis remiserunt; ita quod nihil in⁷ eis de cetero clamare poterunt,⁸ nisi per graciam et misericordiam meam: scilicet senescallus petitionem de wrec et de pisce in terram suam per mare deieto, et de bersare⁹ in foresta mea ad tres arcus, et de percursu canum suorum; et alii petitionem de agistamento¹⁰ porcorum suorum¹¹ in foresta mea, et de bersare ad tres arcus in foresta mea, uel ad cursus leporariorum suorum in foresta in eundo uersus Cestriam per summonicionem uel in¹² redeundo; et petitionem de misericordia iudicum de Wich triginta bullonibus¹³ salis; set erunt misericordia et leges in Wich tales quales prius fuerunt.¹⁴

18 Concedo¹⁵ igitur¹⁶ et presenti carta mea confirmo de me et heredibus meis, communibus militibus omnibus et libere tenentibus tocus Cestreshirie¹⁷ et eorum heredibus omnes predictas libertates habendas et tenendas de baronibus meis et de ceteris dominis suis, quicunque sint, sicut ipsi barones et milites et ceteri libere tenentes eas de me tenent.¹⁸

Hiis testibus, Hugone abbate sancte Wereburge¹⁹ Cestrie, Philipppo de²⁰ Orreby tunc temporis iusticiario Cestrie, Henrico de Aldithel[ega],²¹ Waltero Deyuill',²² Hugone dispensario, Thoma dispensario, Willelmo pincerna, Waltero de Couentria,²³ Ricardo Phitun,²⁴ Roberto de Koudrey,²⁵ Yuone de Kaletoft,²⁶ Roberto

¹ gratum L.

² comedent Ch., H.

³ in om. L.

⁴ guerrae L.

⁵ meam om. Ch.

⁶ dicti Ch.

⁷ de L.

⁸ poterint L.

⁹ Cf. Turner, *Select Pleas of the Forest* (Selden Soc.), 134.

¹⁰ agistamento L.

¹¹ suorum om. Ch.

¹² in om. Ch.

¹³ bullonibus L, bullonum Ch. In 1086 thirty boilings of salt or 2s. was the regular fine at Nantwich for offences other than homicide and the most serious kind of theft (*Domesd. Surv. of Chesh.* (Cheth. Soc. (N.S.) 75) pp. 220-1).

¹⁴ fuerint L; set . . . fuerunt om. Ch.

¹⁵ Ch. has only: Concedo igitur et confirmo communibus militibus omnibus Cestrisirie et eorum heredibus omnes dictas libertates, etc., with which it closes.

¹⁶ etiam H.

¹⁷ Cestershire L.

¹⁸ Cf. Magna Carta, 1215, c. 60.

¹⁹ Werburgae L.

²⁰ de om. L.

²¹ Aldithley L.

²² Deyvell L.

²³ Coventrey L.

²⁴ Phitton L.

²⁵ Cowdrey L, Coudray H (margin).

²⁶ H, M; Caletoft L, Kalecost P.

de Say, Normanno de Paunton',¹ Roberto dispensario, Roberto Deyuill',² Mattheo de Vernon, Hamone de Venables, Roberto de Mascy,³ Alano de Waley, Hugone de Columbe,⁴ Roberto de Pulfort,⁵ Petro clerico, Hugone de Pascy,⁶ Joceralino⁷ de Hellesby,⁸ Ricardo de Brescy,⁹ Ricardo de Kingesle,¹⁰ Philipppo de Theruen',¹¹ Lithulpho de Thwamlawe,¹² Ricardo de Perpunt,¹³ et toto comitatu Cestrie.

Although Earl Ranulf's charter of liberties has been in print for nearly 250 years, and is of great interest as the Magna Carta of the County Palatine of Chester—distinguished from England in c. 15—and its earliest surviving constitutional document since the Domesday Inquest, it has attracted very little attention. It was apparently unknown to Stubbs when he wrote his *Constitutional History*.

From the earl's mention of his having taken the cross, Dugdale assumed that the charter was granted just before his departure on crusade in May 1218.¹⁴ But he took the cross with King John as early as March 4, 1215,¹⁵ and the date of the charter cannot be later in any case than May 23, 1217, when Ranulf's style became "*comes Cestrie et Lincolnie*." A lucky entry in the Chester annals enables us to fix the lower limit of date nearly a year earlier than this. One of the witnesses to the charter was Hugh de Pascy who was slain between the arrival of Louis of France in May 1216 and the death of John five months later.¹⁶ As far as this evidence goes, then, it is possible that Ranulf's concessions to his barons were made shortly before Magna Carta was granted in June 1215, and, if this be thought unlikely, their date cannot be much more than twelve months later at the outside. The similarity of c. 18 to c. 60 of Magna Carta, and other points of resemblance, leave little doubt that the Cheshire document is the later of the two, though the likenesses are rather in substance than in wording. There are one or two verbal similarities to the "Unknown Charter of Liberties" (e.g. the "*generis sui*" of c. 11).

¹ P, M; Pant' H, Pantulf H (margin), le Painter L.

² Daiuill H, Dayvell L.

⁴ Culumbe H.

⁶ Pasci H, Pasey L.

⁸ Helesby H.

¹⁰ Kingsley L.

¹² Liulfo de Twamlowe L.

¹⁴ *Baronage*, i. 43.

¹⁶ *Ann. Cestr.* 50. Pascy's connection with Ranulf is obscure, but he attested another of his charters before 1211 (Orm. ii. 402), and in August 1213 John notified the earl that he was sending Hugh back to him after retaining him for a long time, and begged him not to show any ill-will towards him (*Rot. Litt. Pat.*, ed. Hardy, 103b). In November and December 1215 he received grants of lands from the king in Lincolnshire, Rutland, and Leicestershire (*Rot. Litt. Claus.* i. 238b, 239b, 241b). See also Harl. MS. 1994, f. 104 (357), and *Whalley Coucher Bk.* ii. 469, 473.

³ Masci H, Massy L.

⁵ Pulford L.

⁷ Joseralino H.

⁹ Bresci H, Bresby L.

¹¹ Teruen H, L.

¹³ Perpoint L.

¹⁵ Gervase of Canterbury, ii. 109.

The exceptional conditions of the palatinate would make a separate charter practically inevitable. Must it be ascribed to the short period before the civil strife recommenced in August, or was the earl forced later to buy off his own barons in order to give the king his full support in his struggle against the Great Charter?

Comparison with Magna Carta shows the Cheshire document to be the more rigidly feudal of the two.¹ The only reference to towns or merchants, for instance, is the insistence on the full term of a year and a day for the enfranchisement of an unclaimed villein in Chester (c. 13). It is in the details of feudal organisation that the two documents compare most closely—relief, and the position of the widow (c. 10), right of marriage (c. 11, which in regard to the widow seems to grant less than Magna Carta), and the feudal courts (c. 1). Other parallel clauses guarantee the validity of wills (c. 12), rights in the forest (c. 8), and the enjoyment of the same liberties by the under-tenants of the barons as were granted to the latter (c. 18). *Nude parole* accusations are restricted (c. 5), but to a more limited extent than in Magna Carta (c. 38), and only one kind of amercement is limited in c. 7 (cf. c. 17 end). Clause 6, though apparently less restricted than Magna Carta, c. 28, perhaps deals with a minor class of extortion.

The heavy drain which the almost constant state of war with the Welsh made upon the very limited resources² of the palatinate is reflected in the clauses insisting on due performance of military obligations (c. 3), exempting the barons from compulsory service elsewhere (c. 14), giving them all the possible relief from duty allowed by castle-guard service at Chester due from other parts of the earl's fief (c. 15), forbidding the enlistment of their villeins (c. 5), and permitting them, as well as the earl, to encourage strangers to settle on their lands as avowry-men (c. 2).

Other peculiarities of the document are the express statement of the baron's right to be represented in the county and hundred court by his steward³ (c. 9), the limitation of the earl's itinerant serjeants to twelve in peace time⁴ (c. 16), and the note of demands rejected by him (c. 17).

Among the privileges claimed by Hamon de Massey as appurtenant to his barony (Orm. i. 526), cc. i. 2, 5, 6, 7, 9, and 14 are quoted. An inquest of 1288 on its service ends: "*faciendo servitium suum secundum*

¹ A certain tendency in the next century to view it in a more popular light may perhaps be detected in the heading in the chartulary, "*Common Charter of Cheshire*," and in the statement in 1346 that the commonalty had the custom of thwertnic by charter (see p. 103, n. 16).

² The county contained only about 80 knights' fees (*Red Bk. of Excheq.* i. 184).

³ This was the rule in the kingdom at large, but it does not appear in Magna Carta.

⁴ For a parallel to this in the kingdom we must perhaps look as late as the reign of Richard II. who agreed to reduce his *servientes ad arma* to 30.

purportam Communis Chartae Cestershiriae" (*ibid.* i. 521). The same privileges were claimed by Henry, Duke of Lancaster, as lord of Halton (*ibid.* i. 705).

The following *inspeximus* and confirmations of the charter have been noted by Mr. Stewart-Brown: (1) August 27, 1265, by Edward, son of Henry III. (Orm. i. 55); (2) March 30, 1300 (*C.P.R.* 1292-1301, p. 499); (3) 3-4 Edward II. (*Cal. Chesh. Plea Rolls*, 3-4 Edward II. m. 4); (5) recited in 6; (6) November 14, 1389 (*Cal. Chart. R.* v. 114); (7) September 14, 1429 (*Chesh. Recog. R.* 7-8 Hen. VI. m. 3 (1)). It was confirmed also by several later sovereigns, including Elizabeth (1559-60; Harl. MS. 1988, f. 90).

61. Confirmation by Pope Clement III. of the possessions and privileges of the abbey and grant of further privileges and protection: (1) Exemption from tithe of land newly taken into cultivation and worked by themselves; (2) freedom from unjust episcopal exactions, and right of appeal to the papacy against bishops refusing institution to priests presented to churches by them, and to some other bishop if the diocesan refused them the chrism, sacred oil, consecration of altars or churches, or the ordination of clerks; (3) right to celebrate the divine offices in their church during a general interdict, under certain conditions (*e.g.* no bells to be rung); (4) privilege of acceding to requests for burial in the abbey, saving the rights of the parish churches of the deceased; (4) provision for the orderly election of abbots; (5) prohibition of withdrawal of monks from the abbey. 1188-91.

From the chartulary, which omits the dating clause. Pd. in Dugd. *Mon.* ii. 388-9 and Orm. i. 285.¹

Clemens episcopus, seruus seruorum Dei, dilectis filiis Roberto abbati sancte Werburge Cestrie, eiusdemque fratribus, tam presentibus quam futuris, regularem vitam professis in perpetuum. Quociens ideo a nobis expetitur quod religioni et honestati conuenire videtur, animo nos decet libenti concedere, et petencium desideriis congruum suffragium impertiri. Ea propter, dilecti in Domino filii, vestris iustis postulacionibus clementer annuimus, et prefatam ecclesiam in qua diuino mancipati estis obsequio, sub beati Petri et nostra proteccione suscipimus et presentis scripti priuilegio communimus.

In primis siquidem statuantes ut ordo monasticus, qui

¹ The Monasticon copy contains some misreadings, that in Ormerod is disguised by numerous mistakes and omissions.

secundum Dei timorem et beati Benedicti regulam in eadem ecclesia nascitur institutus, perpetuis ibidem temporibus inuiolabiliter obseruetur. Preterea quascunque possessiones, quecunque bona eadem ecclesia in presenciarum iuste et canonice possidet, aut in futurum concessione pontificum, largicione regum aut oblatione fidelium, seu aliis iustis modis, prestante Domino, poterit adipisci, firma vobis, vestrisque successoribus et illibata permaneant, in quibus hec propriis duximus exprimenda vocabulis: nundinas sancte Werburge sicut continetur in cartis donatorum, decimas reddituum ciuitatis Cestrie, decimas omnium piscium qui capiuntur in Dee, Ynes et eius ecclesiam, Salghton et ecclesiam de Bruera,¹ Huntindon, Cheueley, Sutton, Bochton, Wiruena, Crocton, Trocford, dimidium Rabi, terciam partem de Saluhale, Idinchale, Sottewic et eius ecclesiam, Irrebi, in Maltebi terram x boum et unum molendinum,² Weston et eius ecclesiam, Eston et eius ecclesiam, et decimam de omnibus rebus unde decima debet dari de dominio in hiis maneriis: Heton, Frodesham, Weuerham, Lech, Roucestre, Hawardin, Colshulle, Campeden, et de Frodesham decimam piscium piscatoriarum, et decimam de piscatoria de Heton, ecclesiam de Daneford' cum omnibus pertinenciis suis, ecclesiam de Estham, ecclesiam de Neston, ecclesiam de Eston in Derbisiria, et decimam de molendino et de dominio de omnibus rebus unde decima dari debet, Witebi, et ecclesiam de Tatenhale, unam salinam in Wico, ecclesiam de Cristelton, molendinum de Staneford, et cotham Ordrici, ecclesiam de Cotinton, Cruwe, et capellam de Wauerton, Brocton, Radecliuam, Tiduluestan, Grauesby, Cnoc-tyrum, et dona omnia que Hugo comes fundator loci illius et heredes sui concesserunt et cartis suis confirmauerunt. Sane noualium vestrorum que propriis manibus ac sumptibus colitis siue de nutrimentis vestrorum animalium,³ nullus a vobis omnino exigere decimas uel extorquere presumat.

[f. 9 (6).] Statuimus etiam ut nulli episcoporum uel ministris eorum indebitas aut iniustas exactiones in ecclesiis et terris vestris liceat exercere. Liceat quoque vobis seu fratribus vestris in ecclesiis presbiteros eligere, ita tamen ut ab episcopis uel episcoporum vicariis animarum curam absque venalitate suscipiant, quam si committere illi, quod absit, ex prauitate noluerint, tunc presbiteri ex apostolice sedis benignitate celebrandi

¹ See Nos. 62, 77, 500, and Addenda, *supra*.

² See No. 244.

³ So *Cockersand Chart.* p. 4, but "siue . . . animalium" is sometimes opposed to "siue de ortis, virgultis et piscationibus" (*Whalley Coucher Bk.* pp. 175, 179).

licenciam consequantur. Crisma vero, oleum sanctum, consecrationes altarium seu basilicarum, ordinationes clericorum qui ad sacros ordines fuerint promouendi, a diocesano suscipiatis episcopo, siquidem catholicus fuerit et gratiam atque communionem apostolice sedis habuerit, et ea gratis et absque prauitate vobis voluerit exhibere. Alioquin liceat vobis catholicum quem malueritis adire antistitem qui nimirum nostra fultus auctoritate quod postulatur indulgeat.

Preterea cum generale interdictum fuerit, liceat vobis in ecclesia vestra, exclusis excommunicatis et interdictis, non pulsatis campanis, suppressa voce diuina officia celebrare. Sepulturam quoque loci illius liberam esse decreuimus, ut eorum deuotioni et extreme voluntati, qui se illic sepeliri deliberauerint,¹ nisi forte excommunicati uel interdicti sint, nullus obsistat; salua tamen iusticia illarum ecclesiarum a quibus mortuorum corpora assumentur. Obeunte uero te nunc eiusdem loci abbate, uel tuorum quolibet successorum, nullus ibi qualibet surrepcionis astucia seu violencia preponatur, nisi quem² fratres communi assensu uel fratrum pars consilii sanioris secundum Deum et beati Benedicti regulam prouiderint eligendum, atque ad eum ordinandum qualiscunque illis placuerit episcopus aduocetur. Prohibemus autem ut nulli fratrum vestrorum post factam in eodem loco professionem liceat absque abbatis licencia de claustro discedere; discedentem uero absque literarum communi caucione nullus audeat retinere.

Decreuimus ergo ut nulli omnino hominum liceat prefatam ecclesiam temere perturbare aut eius possessiones auferre, vel ablata retinere, minuere, seu quibuslibet vexacionibus fatigare; sed omnia integra conseruentur eorum pro quorum gubernacione ac sustentacione concessa sunt vsibus omnibus profutura, salua sedis apostolice autoritate et diocesani episcopi canonica iusticia. Si qua igitur in futurum ecclesiastica secularisue persona, hanc nostre constitutionis paginam sciens, contra eam temere venire temptauerit, secundo tercioque commonita, nisi reatum suum congrua satisfaccione correxerit, potestatis honorisque sui dignitate careat, reamque se iudicio existere de perpetrata iniquitate cognoscat, et a sanctissimo corpore et sanguine Dei et Domini nostri aliena fiat, atque in extremo examine districtae ultioni subiaceat.

The date is clearly subsequent to that of the more restricted confirmation granted by Clement in March 1188 (No. 70).

¹ deliberint MS.

² cum MS.

From the close association of Tattenhall church and the salthouse at Nantwich, with other indications, it is clear that the gifts of the founder and his men were laid before the pope in a form corresponding generally to No. 3. The selection of names seems erratic and Aston church appears twice. The unnamed mill given by Robert fitz-Hugh is here identified as Stamford Mill on the Gowy.

- 62.** Confirmation by Pope Honorius (? III.) to the abbey of its property and especially of the chapels of Wervin and Bruera. ? 1216-27.

Honorius papa confirmavit bona ecclesie sancte Werburge iuste adepta uel adipiscenda et sub proteccione sancti Petri et sua suscepit, et precipue capellas de Wyruin et de Bruera.

As both Wervin and Saughton, the township in which the chapel of Bruera seems to have been built (above, p. 110), had been in the possession of the abbey from its foundation, identification of the grantor with Honorius II. (1124-30) would not be chronologically impossible.¹ But comparison with three similar confirmations entered below (Nos. 64, 65, 68), two of which were undoubtedly granted by Honorius III., leaves little doubt that the one before us is to be attributed to that pontiff. It may have been thought prudent to obtain it at the time of the appropriation of these chapels to their own uses by Bishop William de Cornhill (No. 77).

- 63.** Bull of Pope Alexander (III. or IV.) confirming a statute made by the monks of Chester binding themselves not to give their churches to any but suitable clerks who should serve them in person. 1159-81 or 1254-61.

Alexander papa confirmavit statutum quod monachi Cestrie adinuicem fecerunt, videlicet quod ne de cetero aliquam ecclesiarum pertinencium ad monasterium suum aliquialiter concederent nisi clerico ydoneo qui ei deberet in persona propria deseruire. Item idem papa statuit ut nulli hominum liceat huic confirmacioni contraire; quod si quis fecerit, indignacionem Dei et apostolorum Petri et Pauli et eius se nouerit incursum.

- 64.** Confirmation by Pope Honorius (? III.) of the property of the abbey and especially of the churches of Ince and Shotwick. ? 1216-27.

Honorius papa bona ecclesie sancte Werburge iuste adepta uel adipiscenda sub proteccione sua et sancti Petri suscepit et

¹ The chapel is known to have existed at that date (No. 500).

confirmauit, et precipue ecclesias de Ynes et de Schotewic cum pertinenciis.

Ince and Shotwick having been in possession of the abbey from the first, the difficulty in dating which was met with in No. 62 recurs here, but Honorius III. is almost certainly the pope who made the confirmation.

- 65.** Confirmation by Pope Honorius III. of the property of the abbey and especially of the churches of Prestbury, Bromborough, and Neston. March 11, 1221.

Harl. MS. 2071, f. 38d (old, 24).

Honorius episcopus, seruus seruorum Dei, dilectis filiis abbati et conuentui sancte Werburge salutem et apostolicam benedictionem. Cum a nobis petitur quod iustum est et honestum, tam vigor equitatis quam ordo exigit rationis ut id per sollicitudinem officii nostri ad debitum perducatur effectum. Eapropter, dilecti in Domino filii, vestris iustis postulacionibus grato concurrentes assensu, personas vestras et locum in quo diuino estis obsequio mancipati, cum omnibus bonis que in presentiarum rationabiliter possidetis, aut in futurum iustis modis, prestante Domino, poteritis adipisci, sub beati Petri et nostra protectione suscipimus: Specialiter autem de Presteburi[a] et Bromburth'¹ et de Nestona ecclesias cum capellis et pertinenciis earundem, sicut eas iuste ac pacifice possidetis, vobis et per vos monasterio vestro auctoritate apostolica confirmamus et presentis scripti patrocinio communimus. Nulli ergo omnino hominum liceat hanc paginam nostre protectionis et confirmationis infringere uel ei ausu temerario contraire. Si quis autem hoc attemptare presumpserit indignacionem omnipotentis Dei et beatorum Petri et Pauli apostolorum eius se noverit incursurum. Datum Laterani v. idus Marcii pontificatus nostri anno quinto.

- 66.** Bull of Pope Clement (III. or IV.) forbidding any church founded within the ancient limits of the parish of St. Werburgh, or situated within the walls of Chester, to disturb the old rights of burial of that place. 1187-91 or 1265-68.

Clemens papa concessit quod nulla ecclesia infra terminos antiquos parochie sancte Werburge fundata, uel infra muros Cestrie sita, antiquum ius sepulture prefati loci perturbet, sed

¹ For Bromburch'.

sicut retro temporibus possedit, ita deinceps sepeliendi libertatem inconcusse possideat.

The collegiate church of St. Werburgh, which was merged in the Benedictine abbey in 1093, was one of the parish churches of Chester, and at first part of the nave (?), and later the southern transept, of the abbey church was reserved for the use of the parishioners. This and other documents in the chartulary show that down to the thirteenth century the old name of the parish had not yet been displaced by that of St. Oswald's, taken from the chief altar in the portion of the church set apart for parish use (Orm. i. 264, 305, and below, Nos. 75, 77-8). It was not until the time of Bishop Cornhill (1214-23) that the revenues of the parish church were appropriated to the use of the monastery (p. 118), which perhaps points to the pontificate of Clement IV. rather than that of Clement III. as the date of this bull of protection.

- 67.** Bull of Pope Alexander III. confirming to Robert, abbot of St. Werburgh, and his successors, the use of the pastoral staff and the ring as well as of blessing priestly vestments. 1159-81.

Alexander papa Roberto abbati Cestrie et suis successoribus usum virge pastoralis et anuli necnon et vestimenta sacerdotalia benedicendi confirmavit.

- 68.** Confirmation by Pope Honorius III. of the property of the abbey and especially the church of Bromborough with the chapel of Eastham. 1216-27.

Honorius papa omnia bona ecclesie sancte Werburge iuste adepta uel adipiscenda sub proteccione beati Petri et sua susceptit et specialiter ecclesiam de Brumbur[gh] cum capella de Estham auctoritate sua confirmavit et sigillo suo muniuit.

This and No. 102 afford the earliest evidence that the church of Bromborough, though its parish now contains two townships only, was the mother church of the large parish of Eastham (Orm. ii. 405, 430). In 1086 the manor-house as well as the chief church of the great manor of Eastham was in Bromborough (*Domesday Survey of Cheshire*, Cheth. Soc. (N.S.) 75, p. 111; Orm. ii. 405), but in 1153 Earl Ranulf II. granted Eastham and Bromborough as two manors to the monks of St. Werburgh (below, No. 349).

- 69.** Confirmation by Pope Gregory IX. of the property of the abbey and especially of the churches of Prestbury,

Bruera, Neston, Eastham, Bromborough, and [West] Kirby. March 26, 1237.

Harl. MS. 2102, f. 41 (old, 202).

Gregorius episcopus seruus seruorum Dei dilectis filiis abbati et conuentui Cestrie, ordinis sancti Benedicti, Couentrensis diocesis, salutem et apostolicam benedictionem. Sacrosancta Romana ecclesia devotionem (-ioni, MS.) humilium filiorum ex assuete pietatis officio perpense (?) diligere consuevit, et ne prauorum hominum molestiis agitentur, eos tanquam pia mater sue proteccionis munimine consolare. Quapropter, dilecti in Domino fili nostri, iustis postulacionibus grato concurrentes assensu personas vestras et locum in quo diuino estis obsequio mancipati cum omnibus bonis que in presentiarum rationabiliter possidetis aut in futurum iustis modis (prestante Domino) poteritis adipisci sub beati Petri et nostra proteccione suscipimus; specialiter autem de Prestbury, de Bruera, de Neston, de Eastham, de Brumbrough, et de Kirkby ecclesias, cum pertinentiis suis, possessionibus, terris, et alia bona vestra, sicut ea omnia iuste et pacifice possidetis vobis et per vos virtute nostri auctoritatis apostolice confirmamus, et presenti scripti patrocinio communimus. Nulli ergo omnino hominum liceat hanc paginam nostre proteccionis et confirmacionis infringere vel ausu temerario contraire. Si quis autem hoc attemptare presumpserit, indignacionem omnipotentis Dei, et beatorum Petri et Pauli apostolorum eius, se nouerit incursum. Datum Viterbii vi^o kalendas Aprilis pontificatus nostri anno xi^o.

- 70.** Confirmation by Pope Clement III. of the property of the abbey, prohibition of undue burdens and interference with its choice of clerks for its parish churches by the bishop or his officials, and licence to devote the churches which belong to it—those of Eastham, Neston, Aston (upon Trent), and Denford—to the support of the brethren, their guests, and the poor. March 24, 1188.

Harl. MS. 2071, f. 38d (old, 24).

Clemens episcopus, seruus seruorum Dei, dilectis filiis abbati et fratribus sancte Werburge de Cestria salutem et apostolicam benedictionem. Congruam officii nostri accionem prosequimur cum viros religiosos caritate debita confouemus eorumque votis et desideriis benigno fauore annuimus et ne indebitis agitentur molestiis ipsis apostolice defensionis subsidium impertimur. Eapropter religionis et honestatis vestre feruorem fideique

constanciam qua beato Petro et nobis firmitate immobili adheretis studiosius attendentes, ecclesiam vestram cum omnibus que in presenciarum legitime possidet aut in futurum iustis modis, Deo propicio, poterit adipisci sub beati Petri et nostra proteccionem suscipimus et presentis scripti patrocinio communimus: statuantes ut nec episcopo vestro nec eius officialibus liceat vobis vel ecclesiis vestris indebitas acciones imponere siue iniustis grauaminibus vos ulterius fatigare. In parochialibus autem ecclesiis quas tenetis liceat vobis clericos eligere et dyocesano episcopo [f. 9d (6d).] presentare, quibus si idonei fuerint episcopus curam animarum committat ut illi de spiritualibus vobis autem de temporalibus debeant respondere. Preterea vobis auctoritate apostolica indulgemus ut ecclesias que ad vos rationabiliter pertinent—ecclesias videlicet de Estham, de Neston, de Estuna, de Deneford—ad sustentacionem fratrum et hospitum ac pauperum libere possitis communi assensu et rationabili prouidencia deputare, ita quod nulli liceat easdem ecclesias ab usu et utilitate fratrum et hospitum ac pauperum temeritate qualibet remouere. Decernimus ergo ut nulli omnino hominum liceat hanc paginam nostre proteccionis et concessionis infringere vel ei aliquatenus contraire. Siquis autem hoc attemptare presumpserit indignacionem omnipotentis Dei et beatorum Petri et Pauli apostolorum eius se nouerit incursurum. Datum Laterani ix. Kal' Aprilis pontificatus nostri anno primo.

For a later and more general confirmation by Clement see No. 61.

- 71.** Confirmation by Pope Alexander III. or Alexander IV. to the abbey of the churches and grants which the earls of Chester and their barons conferred upon it. 1159-83 or 1254-61.

Alexander papa ecclesias monachorum Cestrie iuste adeptas et donaciones¹ quas com[ites] Cestrie et barones eis rationabiliter contulerunt auctoritate sua confirmauit.

- 72.** Confirmation by Pope Nicholas III. or Nicholas IV. to the abbey of all liberties and immunities conferred upon it by his predecessors and of liberties and exemptions from secular exactions bestowed by kings, princes, and others. 1277-81 or 1288-92.

Nicholas papa omnes libertates et immunitates, a pre-

¹ donacionem MS., but the rubric is "confirmacio Alexandri pape de ecclesiis et donacionibus fundatorum."

decessoribus suis Romanis pontificibus siue per privilegia seu alias indulgencias ecclesie sancte Werburge concessas, necnon libertates et excepciones secularium exactionum a regibus et principibus et aliis rationabiliter ei indultas, autoritate sua confirmauit.

73. Similar confirmation by Pope Gregory IX. or Gregory X. 1227-41 or 1271-76.

Simili modo Gregorius papa predictas libertates et priuilegia confirmauit.

74. Similar confirmation by Pope Martin IV. 1281-85.

Simili modo Martinus papa predictas libertates et priuilegia confirmauit.¹

75. Decision of Roger de Weseham or Roger de Meulan, Bishop of Lichfield and Coventry, that the parishioners of the altar of St. Oswald shall be bound to enclose their cemetery and repair the wall, windows, and roof of the nave aisle of the church of St. Werburgh adjoining that cemetery, from the great door on that side to opposite the altar of St. Oswald. 1246-56 or 1257-95.

Rogerus Couentrensis et Lichfeldensis episcopus sentencialiter condemnauit parochianos altaris sancti Oswaldi ad claudendum competenter et honeste cimiterium illud in quo corpora eorum tradita sunt ecclesiastice sepulture teneri, et ad reparacionem honestam illius ale nauis ecclesie sancte Werburge que sita est iuxta predictum cimiterium in muro et in fenestris et in coopertura a magno hostio eiusdem partis usque ex opposito altaris sancti Oswaldi.

There was a third Roger (de Clinton), who was Bishop of Lichfield from 1129 to 1148, but in his time the parishioners would probably have been referred to as "parochianos sancte Werburge" (cf. No. 66).

It is usually assumed that from the foundation of the abbey the part of its church reserved for the use of the parishioners was the south transept as at present. The wording of Bishop Roger's decision does not support this view. It may, perhaps, be suggested that the obligation of the parishioners to repair the larger part of the south aisle of the nave followed from their responsibility for the adjoining graveyard, but the reference to the altar of St. Oswald seems to imply that it was in the nave, and where a monastic church had a parish

¹ This entry is duplicated in the MS. under one rubric.

church under its roof the nave was usually set aside for parochial use. Moreover, the original south transept, having been no larger than the northern one, would surely have been too small. See Addenda, *supra*.

- 76.** Grant by Stephen Langton, Archbishop of Canterbury, of general protection for the possessions of the abbey in the province of Canterbury. 1213-28.

S[tephanus] Cantuariensis archiepiscopus domum sancte Werburge et ecclesias et redditus et omnes possessiones et res in Cantuariensi prouincia constitutas sub Dei et Cantuariensis ecclesie protectione suscepit, inhibens districtius ne quis ausu temerario dicte ecclesie monachis molestiam uel grauamen super predictis presumat inferre, quod si fecerit et non emendauerit excommunicacioni subiaceat.

- 77.** Licence by William (de Cornhill), Bishop of Coventry, for the appropriation to the monastery of the altarage of the parish church of St. Werburgh (St. Oswald's) with the chapels of Bruera and Wervin appurtenant thereto. 1214-23.

Willelmus Couentrensis episcopus totum altaragium parochialis ecclesie sancte Werburge cum eius pertinenciis scilicet capellis de Bruera et Wyrui et earum pertinenciis integre et plenarie in proprios vsus monachorum Cestrie confirmauit, saluo quidem iure magistri Hugonis de sancto Oswaldo quod in illo altaragio habuit quamdiu vixerit, ita quidem quod post eius decessum dicti monachi per aliquem de confratribus suis parochianis dicte ecclesie diuina administrent.

The later parish of St. Oswald was originally, as this document shows, called the parish of St. Werburgh (see p. 114). It took its later name from the altar of St. Oswald in the monastic church at which the parish priest officiated. The discontinuous rural portions of the parish, stretching from Wervin on the north of Chester to Lea Newbold on the south, are regarded by Mr. Brownbill as marking the ambit of an original English parish of Chester, from which the intervening parishes of Backford, Plemstall, and Guilden Sutton have been cut out.¹ But he admits that Hilbree and Iddinshall probably, and Croughton certainly, were only included in St. Oswald's parish because they were manors of St. Werburgh's, and as all the other townships in the parish belonged to St. Werburgh's (including several acquired after the foundation of the abbey) it seems possible that

¹ *The Cheshire Sheaf* (3rd ser.), iv. 16.

some of them at least owed their position in it to the same reason and had originally been in other parishes.

- 78.** Ordinance of Simon de Baliden, official of Roger, Bishop of Coventry, increasing the provision made by Bishop Alexander (1224-38) for the support of the vicar of the altar of St. Oswald. In addition to a place at the abbot's table and 40s. a year he is to have an oxgang in the township of Bruera with a large garden and the whole chapel of that vill (except mortuaries and offerings for the dead), a house in Parson's Lane (Chester), and an annual gown such as clerks wear. He is to find chaplains at Bruera and the altar of St. Oswald, and the latter is to minister three days a week in the chapel of Boughton. The abbot is to keep up the ancient hospitality. 1257-95.

Licet per Alexandrum Couentrensem episcopum extitit ordinatum quod vicarius altaris sancti Oswaldi in mensa abbatis honeste procuretur et annuatim xl solidos percipiat, tamen quia per sedem apostolicam fuit statutum quod secundum facultates ecclesiarum vicaria ordinari debeat, magister Symon de Baliden officialis Rogeri Couentrensis episcopi ordinavit quod vicarius dicti altaris cum porcionibus predictis habeat imperpetuum vnam bouatam terre in villa de Bruera cum magno gardino et totum capelle dicte ville, saluis abbati et conuentui mortuariis et oblacionibus pro mortuis faciendis, et quod habeat vnam mansam in Personeslone per dictos monachos assignatam et vnam robam annuam de secta clericorum. Et dictus vicarius dicte capelle de Bruera per vnum capellanum et clericum suis sumptibus, prout decet, faciat deserui; et alium capellanum sibi socium suis sumptibus in ecclesia sancte Werburge inueniet qui per 4 dies cuiuslibet septimane in altari sancti Oswaldi et per iii dies in capella de Bocton¹ ministrabit. Dictus uero abbas antiquam hospitalitatem sustentabit.

Simon de Baliden (? Balidene, Staffs (*Staffs Hist. Coll.* (N.S.) ix. 315) appears as a king's clerk in 1268 (*C.P.R.* 1266-72, 247), and as official of Roger de Meulan or Longespée (1257-95) in 1275 (*C.C.R.* 1272-79, 243); he was alive in 1287 (*ib.* 1279-88, 483).

For the glebe of the vicar cf. *Record Soc.* vol. i. 247.

- 79.** Confirmation by Richard, Bishop of Coventry, of the grant to the abbey by Ralph de Mold (de Monte alto), steward

¹ This seems to be the only evidence of the existence of a chapel at Boughton (*Orm.* ii. 772).

of the Earl of Chester, with the consent of his mother, of whose dower it was part, of the church of Neston which his brother William de Mold, late rector, had resigned in order that it might be converted to the uses of the monks. 1161-82.

Harl. MS. 2071, f. 38 (old, 24).

Omnibus sancte matris ecclesie filiis ad quos presentes littere peruenerint Ricardus, Dei gracia Couentrensis ecclesie minister humilis, eternam in Christo salutem. Iustum est et sacra deuotione plenum ut ea que locis religiosis ex pia fidelium largitione canonice collata sunt ab auctoritate episcopali robur accipiant. Inde est quod nos, dilectos filios nostros R[obertum] abbatem et monachos sancte Werburge Cestrensis speciali prerogatiua dilectionis amplectentes, eis ecclesiam de Nestona ex largicione Radulfi de Monte Alto, cum consensu matris eius in cuius dote sita est, nichilominus et Willelmi clerici fratris eius et eiusdem ecclesie quondam persone conueniencia, canonice collatam, presentis scripti auctoritate confirmauimus. Hanc autem ecclesiam predictus Willelmus de Monte Alto clericus in manu nostra liberam et quietam resignauit vt eadem ecclesia cum iure patronatus et omnibus integritatibus suis, sicut carta Radulfi de Monte Alto eis exinde facta testatur, liberius, conueniencius et in vsus et vtilitates predictorum abbatis et monachorum posset conferri. Vt ergo hec confirmacio nostra perpetue firmitatis in posterum sicut decet robur obtineat, eam presentis scripti patrocinio et sigilli nostri testimonio comunimus, sub interminacione anathematis inhibentes ne quis eam ausu sacrilego infirmare presumat. Hiis testibus: Magistro Roberto de Haia, magistro Galfrido de Lentona, Andrea Giffard', magistro Waltero de Tellesberia, Henrico capellano, Manassero de Tama, Willelmo de Monte Alto, Galfrido Pecche, Ricardo de Russal' dapifero, Gilleberto Poun camerario, Osberto de camera, et multis aliis.

For Ralph de Mold's charter see below, No. 527. Its actual date was probably between 1177 and 1182. See No. 81.

80. *Inspeximus* and confirmation by William (of Cornhill), Bishop of Coventry, of the above appropriation of the church of Neston to the uses of the monks. September 26, 1216.

Harl. MS. 2071, f. 38d (old, 24).

Omnibus sancte matris ecclesie filiis ad quos presens scriptum peruenerit Willelmus, Dei gracia Couentrensis ecclesie minister

humilis, eternam in Domino salutem. Cartam bone memorie Ricardi predecessoris nostri quondam Couentrensis episcopi super concessione et appropriacione ecclesie de Nestona cum omnibus pertinenciis suis facta dilectis in Christo filiis abbati et conuentui sancte Werburge de Cestria inspeximus, et concessionem ipsius gratam et ratam habentes eam presenti scripto et sigilli nostri munimine confirmamus, saluo nobis et successoribus nostris iure episcopali et parochiali. Hiis testibus: magistro Johanne Blundo, magistro Nicholao de Weston[a], magistro Willelmo de Manecestr[ia], Henrico de sancto Botulfo, Johanne de Ginoes, Willelmo de Hatfeld' et Radulfo clericis. Datum apud Lichiffel[diam] per manum magistri Roberti de Sandon[a] vj° kal' Octobris, pontificatus nostri anno secundo.

81. Confirmation by Richard, Archbishop of Canterbury, of the charters of Ralph de Mold and Richard, Bishop of Coventry (Nos. 527, 79), granting the appropriation of the church of Neston. 1177-84.

Harl. MS. 2071, f. 38 (old, 24).

Ricardus Dei gracia Cantuariensis archiepiscopus, tocius Anglie primas, uniuersis Christi fidelibus eternam in Domino salutem. Ea que locis religiosis misericorditer collata et a fratribus et coepiscopis nostris rationabiliter confirmata sunt, rata habere et ad maiorem eorundem firmitatem auctoritatis qua fungimur patrociniū¹ tenemur impertiri. Considerantes siquidem honestatem et religionem dilecte nobis in Domino domus sancte Werburge in Cestria, beneficia que ipsa domus canonice adepta est debitam volumus et desideramus stabilitatem optinere. Ecclesiam itaque de Nestona cum iure patronatus eiusdem ecclesie quam predicta domus ex presentacione et donacione dilecti filii nostri Radulfi de Monte Alto possidet, sicut venerabilis frater noster R[icardus] episcopus Couentrensis eam eidem domui rationabiliter confirmauit, nos quoque ea qua fungimur auctoritate confirmamus, et in testimonium nostre confirmacionis presens scriptum sigillo nostro roboramus [?] et iam dicte domui indulgemus. Testibus: magistro Girardo, Willelmo archidiacono Gloec[estrensi], magistro Roberto de Inglesham, magistro Rogero de Rouelueston', Willelmo de Sottendon', Rogero decano, Galfrido clerico, Johanne de Riuer', Ricardo de London'.

William de Northall became archdeacon of Gloucester in the diocese of Worcester in 1177 (Le Neve, *Fasti Eccl. Angl.* iii. 76).

¹ satrociniū MS.

- 82.** Grant by Alan de Boydell to the abbey of the church of Dodleston. *c.* 1200-8.

Alanus de Boydel dedit ecclesie sancte Werburge ecclesiam de Dodeliston, nichil in ea sibi retinens preter oraciones.

For the date see No. 84 below and the notes on Nos. 39 and 42.

- 83.** Confirmation of the above gift of the church of Dodleston by William de Boydell, brother of the grantor. *c.* 1208-1228.

[*f.* 10 (7).] Willelmus de Boydel confirmavit donacionem Alani fratris sui super ecclesia de Dodeliston.

Alan gave Dodleston to William before 1208 (*Orm.* ii. 845).

- 84.** Grant by Geoffrey (de Muschamp), Bishop of Coventry, to the monks of Chester of the appropriation of two-thirds of the churches of Handley and of Dodleston to the use of their infirmary, on condition of presenting suitable vicars to the residual benefices. 1198-1208.

Galfridus Couentrensis episcopus dedit monachis Cestrie duas partes ecclesiarum de Hanleg' et de Dodeliston cum omnibus pertinenciis in proprios vsus infirmarie eorum conuertendas, ita quod vicarios ydoneos ad residuum illarum presentabunt.

Ormerod notices this appropriation in his account of Dodleston (*ii.* 844), but not in that of Handley (*ii.* 724). It was not acted upon in either case and the abbey continued to present rectors to both livings down to the Dissolution.

- 85.** Confirmation by Basilea, wife of Alfred de Cumbray, and her son Roger of the grant of the church of Tattenhall to the abbey by her ancestors. ? Before 1187.

Basilea uxor Aluredi de Cumbray confirmavit donacionem ecclesie de Tatinhale quam antecessores sui ecclesie sancte Werburge fecerunt, et Rogerus filius eius eam pariter confirmavit.

A grant of the church and tithes of Tattenhall to the abbey by William Malbank, first baron of Nantwich, is recorded in the "foundation" charter (above, p. 18). The confirmations by Basilea de Cumbray and her son Roger are unnoticed by the Cheshire historians and raise difficult questions of Cheshire genealogy. The pedigrees of the Touchets represent their family as in possession of Tattenhall and Buglawton at or shortly after the Conquest (*Orm.* i. 662). Ormerod quotes a charter of Earl Ranulf II. (1129-53) confirming Tattenhall to Henry Touchet, son of Henry, son of Jocelyn, and avouches William-

son's *Villare Cestriense* for the further statement that Emma, widow of Henry, had Buglawton for her dower in 1140 (*ib.* ii. 717, iii. 40). Ranulf's charter, which was granted between 1143 and 1149, does not however mention Tattenhall or any other manor by name, merely confirming to Henry "totam terram suam" (*Genealogist*, July 1919). The positive evidence for his possession of either of the manors in question rests on the statement made by Williamson, who unluckily gives no reference.

If this evidence be considered sufficient, Basilea de Cumbray apparently belonged to the very family to which one of her grand-daughters afterwards carried part of the Cumbray lands. The early steps in Ormerod's Touchet pedigree (i. 662) are vitiated by his referring the grant of Croxton made to Liulf de Croxton, grandson of Wulfric,¹ by Matthew Tuschet or Touchet, son of Orm Citharista² (iii. 210), to the beginning of the twelfth century instead of its later years, to which the full list of its witnesses proves it to belong.³ Matthew was clearly not the father of Simon Tuschet who witnesses a charter of Ranulf II. (*ib.* i. 52), nor can his own father, Orm the Harper, have had the Joscelin mentioned above as his son. At present there seems to be nothing but his name to connect Matthew with the lords of Buglawton and Tattenhall.

Basilea's husband, Alfred de Cumbray, was lord of Lee Cumbray, now Lee Gomery, in Shropshire, which on the Pipe Roll of 1167 is described as Lega Aluredi (Eyton, *Hist. of Shropshire*, vii. 340). The Cheshire pedigrees make him son of Reginald de Cumbray, who was unknown to Eyton. Alfred had apparently married Basilea before 1153, for Earl Ranulf II. gave him Nether Whitley in Bucklow hundred between 1141 and that year (Orm. i. 659, where the gift is unaccountably referred to Ranulf III.), and his grant of Burwardsley from Chester abbey may be as early (below, No. 383). He was alive in 1186 (*Pipe R.* 32 Hen. II. 106), but died before Michaelmas 1187 (*ib.* 33 Hen. II. 168). Burwardsley was confirmed to his son Roger by abbot Robert de Hastings (1186-1194). The Touchet pedigree gives Roger no son (his son William (Orm. i. 568 *n.*) must have died early), but two daughters—Alice who married Robert Touchet of Buglawton and Tattenhall and brought him Lee Cumbray and Nether Whitley, and Agnes who married Adam de Dutton (before 1187) and had the manor of Warburton, etc. (Orm. i. 567-8). On this Sir Peter Leycester comments with provoking reticence: "Sed quaere concerning Alice" (Orm. i. 659). One would have liked to have heard his reasons for doubting that Roger, son of Alfred,

¹ Ormerod's identification of this Wulfric with the grandfather of the wife of Gilbert de Venables II. disappears with his date for the charter.

² For an Orm Sithareda see No. 351. If the same person, he or his son must have been long lived. In any case, the pedigree must be in error in placing Orm "at, or shortly after, the Conquest."

³ Harl. MS. 2074, f. 188.

had two daughters and coheireses, but they are hardly likely to have been convincing in face of the fact that Robert Touchet's son Thomas did actually succeed (before 1221) to Lee Cumbray (Eyton, *op. cit.* vii. 341) as well as to Nether Whitley and Burwardsley. A greater difficulty is the apparent division of the Cheshire and Shropshire estates between the death of Alfred de Cumbray and the Touchet succession. Alfred's successor in the latter county was not his son Roger but John de Cumbray (who witnesses several Cheshire charters of Roger and others), "probably his son" according to Eyton, who was dead in 1199, leaving a son Roger who was still a minor in 1212, and on whose death shortly after Thomas Touchet obtained possession, though not without dispute (*ibid.*).

This is a convenient place to note that the pedigree of the Touchets in Ormerod (i. 662) omits Henry, the son and successor of the above-mentioned Thomas, who did homage in 1235 and died before November 1242 (Eyton, vii. 343). Sir Robert Touchet (*d.* 1248) is made son instead of grandson of Thomas.

- 86.** Grant of the church of Tattenhall to W., clerk of the same, by Hugh, Bishop of Coventry, on the presentation of R[obert?], abbot of Chester, reserving to the abbey a pension of 3s. ? 1188-94.

H[ugo] Couentrensis episcopus ad presentacionem R. abbatis Cestrie dedit ecclesiam de Tatinhale W. clerico de eadem, soluendo dicto abbati annuatim iii solidos nomine pensionis.

As far as the internal evidence goes, this grant might have been made by Bishop Hugh de Pateshull between July 1240 and December 1241, in the time of abbot Roger Frend (1240-49). But the date of the document immediately preceding this suggests that the abbot in question was Robert de Hastings, and the bishop therefore Hugh de Nonant (1188-98). The presentation is unnoticed by Ormerod (ii. 719).

- 87.** Quitclaim by Robert de Northenden to the abbey of all his right and claim in the advowson of the church of Northenden.

Robertus de Norwrthin filius Ade Rufi quiete clamauit ecclesie sancte Werburge Cestrie totum ius et clamium que habuit in aduocacione ecclesie de Nortwrthin cum omnibus pertinenciis.

Northenden and its church were given to St. Werburgh's by Hamon de Massey and Roes, wife of Pigot (? Bigot), in the time of Earl Richard (1101-20, see above, p. 40). For a quitclaim by a later Hamon

de Massey see No. 335 below. Ormerod (iii. 611) has a brief account of the family which took its name from the place and records a Robert de Northenden *t.* Edward I., but does not mention their claim to the advowson of the church.

- 88.** Grant of the church of Northenden to Robert de Benton by William de (Cornhill), Bishop of Coventry, on the presentation of the abbot of Chester, reserving to the said abbot an annual pension of 4s. 1214-23.

W. Couentrensis episcopus ad presentacionem abbatis Cestrie dedit ecclesiam de Norwrthyn Roberto de Benton, soluendo dicto abbati annuatim iiii solidos nomine pensionis in festo sancti Martini.

This seems to refer to the charter which Randle Holme saw and briefly described: "*Carta Willelmi Dei gratia episcopi de pensione ecclesie de Northwarthyne et (sic) 4s. per annum*" (Harl. MS. 1994, f. 9*d* (old, 266*d*)).

- 89.** Quitclaim by William, son of Matthew de Thurstaston, to the abbey of the chapel of Thurstaston for ever.

Willelmus filius Mathei de Thurstantona quiete clamauit ecclesie sancte Werburge capellam de Thurstanton imperpetuum.

The father of William de Thurstaston is called Matthew de Rhuddlan (Ruelant) in the record of his gift of this church to St. Werburgh's in the time of Earl Ranulf I. (above, p. 48) and was doubtless an illegitimate descendant of the famous Robert de Rhuddlan, the holder of this manor in 1086. The church perhaps once stood in the courtyard of the old Hall, and its parish comprises only Thurstaston itself and part of Irby. As is indicated by its being called a chapel here, its parish was probably cut out of that of West Kirby. See Addenda.

- 90.** Grant by Hugh (de Nonant), Bishop of Coventry, of the church of Coddington to master Hugh de Chester, on the presentation of Geoffrey, abbot of Chester, saving two annual pensions, one of 2s. to the church of Farndon and the other to the abbot. 1194-98.

Hugo Couentrensis episcopus ad presentacionem Galfridi abbatis Cestrie dedit magistro Hugoni de Cestria ecclesiam de Codinton, salua pensione duorum solidorum debita annuatim ecclesie de Farendun, et salua annua pensione dicto abbati debita.

The gift of the church of Coddington to the abbey by Hugh Fitz-

Norman is recorded in the "foundation" charter (above, p. 19). Its parish comprised only three townships, and the first of the two pensions reserved in this document may mean that it was originally included in the parish of Farndon. For Master Hugh see Addenda, *supra*.

- 91.** Confirmation by Richard, Archbishop of Canterbury, to the chapel of the blessed Thomas the Martyr in Wirral of its possessions, especially a ploughland, the half of the site of a mill, a fishery, and part of a wood which Randle Walsh and his brother Barnard gave to the chapel, saving the rights of the mother church of Bebington. ? 1174-1184.

Ricardus Cantuariensis archiepiscopus confirmavit capelle Thome Martyris in Wirall' omnes possessiones quas iuste possedit et precipue vnam carucatam terre et dimidium loci vnus molendini et vnam piscariam et partem nemoris que¹ Randulphus Walensis et Barnardus frater ius eidem capelle dedit, saluo iure matricis ecclesie de Bebintone.

The site of this chapel, seemingly one of the earliest dedicated to the martyred Becket, was in a hamlet afterwards called Spittell and included in Poulton Lancelyn. Its exact position is said to be uncertain by Ormerod (ii. 443), who erroneously identifies with it the chapel of St. Thomas mentioned in No. 108 below. But Mr. Irvine thinks that there is no doubt that the site is now occupied by the out-buildings of a house recently in the tenancy of Sir Edward Evans. Spital Station, between Bebington and Bromborough, preserves the name. The possibility that the grantor of this confirmation was Archbishop Richard Weathershed, who spent much of his short archiepiscopate (1229-31) abroad, seems remote.

- 92.** Licence from Richard (Peché), Bishop of Coventry, to the abbey to increase the ancient pensions due from their churches and chapels when they are vacant. 1161-82.

Ricardus Couentrensis episcopus concessit monachis Cestrie vt cum eorum ecclesias et capellas vacare contigerit, in eis antiquas pensiones et qualitates ecclesiarum et capellarum augere liceat, et ad maiorem eorum commoditatem conuertere.

See No. 115. .

- 93.** Grant by Reiner, Bishop of St. Asaph, that those who refuse to restore goods stolen from the lands of the abbey or

its men, and found in his parishes, despite the exhortations of the clergy, shall be subject to anathema and their church to interdict; clerks showing contempt for these things will be suspended. 1186-1224.

R[enardus]¹ de sancto Asaph concessit quando res uel catalla ecclesie sancte Werburge vi uel furto ablata a terris vel hominibus dicte ecclesie in parochiis suis inueniantur, nec detentores ad exhortacionem clericorum nunciis dicte ecclesie ea plenarie reddiderint, anathemati subiaceant, et ecclesia eorum interdicto subiaceat; clerici uero hec contempnentes se nouerint suspensos.

In the unsettled state of the Welsh border the goods and chattels of the abbey and its tenants in that quarter were liable to be carried off by Welsh raiders. Whether the intervention of the ecclesiastical arm improved matters may perhaps be doubted.

94. Letters of protection from Richard, Archbishop of Canterbury, for the possessions of the abbey. ? 1174-84.

Ricardus Cantuariensis² archiepiscopus omnes possessiones ecclesie sancte Werburge canonice collatas sub speciali protectione Cantuariensis ecclesie suscepit sub interminacione anathematis prohibens ne quis dictam ecclesiam uel eius monachos iniuste molestet, et precipiens ut redditus eius statutis terminis soluantur.

95. Confirmation by Roger,³ Bishop of Coventry, of the property of the abbey. 1246-56 or 1257-95.

Rogerus Couentrensis episcopus confirmauit omnia bona ecclesie sancte Werburge iuste collata, prohibens sub anathemate ne quis aliquos redditus dicte ecclesie auferre vel minuere presumat.

96. Confirmation by Richard, Archbishop of Canterbury, to the abbey of the church of Bebington which Robert Lancelyn gave to it with four oxgangs of land, and of half the church of Wallasey which W[illiam] de Wallasey gave, and of the rent of 8s. a year from the church of Handley which Helte de Boydell gave, and of the church of Astbury which William de Venables gave. 1174-84.

Ricardus Cantuariensis archiepiscopus confirmauit ecclesie sancte Werburge ecclesiam de Bebintona quam Robertus

¹ Extended from the heading.

² Couentrensis MS.

³ Roger de Wescham or Roger de Meulan (hardly Roger de Clinton).

Launcelyn dedit cum quatuor bouatis terre, et medietatem ecclesie de Waley quam W[illelmus] de Waley dedit, et redditum viii solidorum quos Helto de Boydel de ecclesia de Hanlega annuatim percipiendos dedit, et ecclesiam de Asteburi quam W[illelmus] de Venables dedit.

See Nos. 40, 329, 330, 594-6. The abbey received a yearly pension of 2 marks from Bebington church in the second half of the 13th century (Harl. MS. 1994, f. 9 (266)).

97. Duplicate abstract of the grant of Prestbury church by Earl Hugh II. (No. 24).

98. Licence by William (of Cornhill), Bishop of Coventry, for the abbey to appropriate to its own uses the church of Prestbury, saving 10 marks of silver (yearly) to a vicar and saving the rights of the bishop. 1215-23.

Willelmus Couentrensis episcopus dedit ecclesie sancte Werburge Cestrie in proprios vsus ecclesiam de Prestebury cum omnibus suis pertinenciis, salua vicaria x marcarum argenti, et saluo iure episcopali.

99. Ordinance by Simon de Baliden, official of Roger,¹ Bishop of Coventry, fixing the portion of the vicar of Prestbury, who is to take all offerings throughout the year, saving to the abbot and convent the Lent offerings and tithes and the offerings of Easter Day and of the day of St. Peter the Apostle. He is also to take all the wax and the portion of land near his house assigned to the vicar, and the geese and flax, the tithe of eggs (and) kids, together with the portion already assigned to the vicar. The vicar is to defray the ordinary charges, to have the mother church and its chapels properly served and to find books and ornaments in them. The monks are to defray the other extraordinary charges and to repair the chancel. The vicar is also to have a suitable house with a curtilage. 1257-95.

Symon de Baliden officialis Rogeri episcopi ordinavit quod vicarius de Presteburi percipiet imperpetuum omnes oblaciones per annum, saluis oblacionibus et decimis quadragesimalibus et oblacionibus die Pasche et die sancte Petri apostoli abbati et conuentui Cestrie. Item percipiet totam ceram et porcionem

¹ Roger de Meulan. See No. 78.

terre iuxta mansum suum vicarie assignate, et aucas et linum, decimam ouorum, capreolorum, vna cum porcione dicte vicarie prius assignate et tunc possesse. Sustinebit et dictus vicarius omnia onera ordinaria, et tam ecclesie matrixi quam capellis honeste faciat deserui, et in eisdem libros et ornamenta inueniet. Cetera uero extraordinaria vna cum reparacione cancelli monachi sustinebunt. Item vicarius competentem mansum habebit cum curtilagio.

- 100.** Confirmation by Walter (Durdent), Bishop of Coventry, of the grant of Earl Hugh II. (? Ranulf II.) touching the villis and churches of Eastham and Bromborough. 1153-1159.

Walterus Couentrensis episcopus confirmauit donacionem H[ugonis] comitis Cestrie super villis et ecclesiis de Estham et Brombur'.

As would appear from the next entry, the initial of the name of the earl here is doubtless an error for R[anulfi], for it was Hugh's father, Ranulf II., who made this gift to the monks in 1153 (No. 349). Bishop Walter probably died in December 1159 (Le Neve, *Fasti*, i. 544).

- 101.** Confirmation by Theobald, Archbishop of Canterbury, to the abbey of Earl Ranulf II.'s grant of the villis and churches of Eastham and Bromborough (already confirmed by W[alter], Bishop of Coventry), and protection for these churches and other property canonically possessed by St. Werburgh's. 1153-61.

Theobaldus Cantuariensis archiepiscopus confirmauit ecclesie sancte Werburge donacionem Ranulfi comitis Cestrie super villis et ecclesiis de Estham et Brombur' quas antea W[alterus] Couentrensis episcopus confirmauit. Item idem archiepiscopus dictas ecclesias et omnia bona ecclesie sancte Werburge canonice possessa sub proteccione Cantuariensis ecclesie suscepit, prohibens sub anathemate ne quis in bona ecclesie sancte Werburge manum violentam extendat nec diminucionem eorum faciat.

- 102.** Licence by William (de Cornhill), Bishop of Coventry, to the abbey for the appropriation of the church of Bromborough with the chapel of Eastham to its own uses. 1214-23.

Willelmus episcopus Couentrensis dedit monachis Cestrie

in proprios vsus ecclesiam de Brumbur' cum capella de Estham et aliis pertinenciis.

Although in the earlier documents, Nos. 100, 101, an *ecclesia* is attributed to Eastham as well as to Bromborough, the more precise wording of the present entry points to Bromborough as the original mother church of Eastham. (See above, No. 68.)

- 103.** Ordinance by Simon de Baliden, official of Roger, Bishop of Coventry (see No. 78), increasing the portions of the vicar of Eastham by allowing him to withhold one-half of the annual sum of five marks hitherto paid by him to the abbey. He is to bear the usual charges, to have the church properly served, and to have a suitable house with a curtilage. The monks are to defray all the other extraordinary charges and to repair the chancel. 1257-1295.

Symon de Baliden officialis Rogeri episcopi Couentrensis ordinauit quod vicarius de Estham de v marcis annuis quas de vicaria sua monachis Cestrie soluere consuevit ii marcas et dimidiam nomine aumentacionis preter porciones prius obtentas imperpetuum percipiat, et residuum dictarum v marcarum monachis annuatim persoluat, et onera consueta sustineat, et ecclesie honeste deseruiri faciat, et mansum competentem cum curtilagio habeat; et monachi cetera omnia extraordinaria vna cum reparacione cancelli sustineant.

- 104.** Confirmation by Ralph de Neville, dean of Lichfield, and the chapter of the grant of his predecessor Richard (de Dalam, c. 1175-1209), touching the gift and appropriation to the monks of Chester of the church of Neston with its chapels, and of the church of Prestbury, that of Bromborough with the chapel of Eastham, and all others granted to them by William, Bishop of Coventry. 1214-22.

Harl. MS. 2071, f. 39 (old, 24).

Omnibus sancte matris ecclesie filiis ad quos presens scriptum peruenerit Radulfus de Neuill' decanus Lichiffeldensis et eiusdem loci capitulum salutem in salutis auctore. Concessionem bone memorie R[icardi]¹ predecessoris nostri super donacione et appropriacione ecclesie de Neston' cum omnibus pertinenciis

¹ Extended from the chartulary.

suis dilectis amicis in Christo abbati et conuentui sancte Werburge de Cestria factam sicut in carta eiusdem continetur, concessionem etiam et appropriaciones ecclesie de Prestebur' cum capellis et omnibus aliis pertinenciis suis et ecclesie de Brunbrock' cum capella de Hestham et omnibus aliis suis, a uenerabili patre nostro W[illelmo] Conuentrensi episcopo eisdem factas, sicut in eiusdem cartis continetur, ratas et gratas habemus et eas presenti scripto nostro confirmamus. Et ut hec nostra confirmacio robur et firmitatem optineat perpetuam, eam sigilli nostri appositione duximus roborandum. Hiis testibus : magistro Johanne Blundo, magistro Nicholao de Weston', magistro R. de Sandon', W. de Brai, W. de Andesacre, magistro Zacharia, Willelmo de Hatfeld', Radulfo clerico, Johanne de Giuges et multis aliis.

The other churches here unnamed which Bishop William allowed the monks to appropriate were Ince, Shotwick, and St. Oswald's, Chester. See for these various appropriations Nos. 77, 80, 98, 102, 106, 110.

105. Confirmation by Roger,¹ Bishop of Coventry, to the abbey of the appropriations of the churches of Prestbury, Ince, Bromborough, Eastham, Shotwick, Neston, and the altarage of the altar of St. Oswald, with its chapels of Bruera and Wervin. 1246-56 or 1257-95.

Rogerus episcopus Couentrensis confirmauit appropriaciones de Presteburi cum suis capellis, de Ynes, et de Brombur', de Estham, et de Schotewic, de Neston, et altaragii altaris sancti Oswaldi cum suis capellis de Bruera et Wyrui.

106. Licence by William (de Cornhill), Bishop of Coventry, for the appropriation by the abbey of the church of Ince to the use of the poor and indigent, saving a pension of 20s. which the monks have been accustomed to take from the said church for their clothing. 1214-23.

Willelmus Couentrensis episcopus contulit monachis Cestrie ecclesiam de Ynes cum omnibus pertinenciis ad vsus pauperum et quorumlibet indigencium, salua pensione xx solidorum, quos dicti monachi ad suam uesturam de predicta ecclesia percipere consueuerunt, vnde, vt predictus Willelmus in sua carta scripsit, quicumque isti concessioni contrahere presumpserit et dictam elemosinam in alios vsus conuerterit quam vt pre-

¹ Roger de Weseham or Robert de Meulan.

dictum est malediccionem omnipotentis Dei et suam se nouerit incursum.

- 107.** Confirmation by Geoffrey, prior (1216-35), and the convent of Coventry of the appropriation of the church of Ince. 1216-23.

Galfridus prior et conuentus Couentrensis confirmauit monachis Cestrie appropriacionem ecclesie de Ynes secundum formam carte quam eis fecit W[illelmus] Couentrensis episcopus super eadem appropriacione.

- 108.** Grant by Hugh, abbot, and the convent of Chester of the church of Ince to the almoner of the abbey and to the support of the poor and indigent, saving a pension of 20s. which the monks have been used to take from the said church for their clothing. The almoner is to celebrate in person the divine offices in the chapel of St. Thomas the Martyr for the bishops of Coventry, the earls of Chester, the abbots and monks of Chester, etc. 1214-26.

Hugo abbas Cestrie et conuentus dederunt ecclesiam de Ynes cum omnibus pertinenciis elemosinario abbathie sue et ad sustentacionem pauperum et indigencium, salua pensione xx solidorum quos dicti monachi ad suam uesturam de eadem ecclesia percipere consueuerunt, ita quod elemosinarius in propria persona in capella beati Thome diuina celebret imperpetuum pro episcopis Couentrensibus, comitibus Cestrie, abbatibus et monachis Cestrie et omnibus benefactoribus et omnibus fidelibus.

Hugh was abbot from 1208, but this gift cannot be earlier than 1214, the year of the accession of Bishop William de Cornhill whose licence (No. 106) made it possible.

The chapel of St. Thomas (called the Martyr in the heading) was of course that which stood without the Northgate at the north end of Northgate Street (Orm. i. 352) and not, as Ormerod absurdly supposed, the chapel of St. Thomas the Martyr at Poulton Lancelyn (*ib.* ii. 443). He misread „Mr̃^a” in the heading as “in Wyrall,” without reflecting that the almoners of the abbey could not have been required to officiate so far from Chester. See No. 632.

- 109.** Confirmation by John (Peckham), Archbishop of Canterbury, to the abbey of the appropriations of the churches

enumerated in No. 105 ; also of the amounts at which the vicars' portions had been fixed. 1279-92.

Iohannes Cantuariensis archiepiscopus confirmauit monachis Cestrie appropriaciones ecclesiarum Presteburi, Ynes, Brombur', Estham, Neston, Schotewic et altaragii altaris sancti Oswaldi cum suis capellis de Bruera et de Wyruin ; et insuper confirmauit taxationes vicariarum sicut prius facte fuerant.

110. Licence by William (de Cornhill), Bishop of Coventry, to the abbey for the appropriation of the church of Shotwick, saving a fitting vicarage to be assigned in it ("in another charter the vicarage is not mentioned"). 1214-23.

Willelmus Couentrensis episcopus contulit monachis Cestrie appropriacionem ecclesie de Schotewic, salua competenti vicaria in ea assignanda. Sciendum quod est alia carta de eadem ecclesia que de vicaria non facit mentionem.

The other charter referred to appears to be that recited in No. 111. Abbot Walter (1228-40) assigned the revenues of the church to the extension of the convent kitchen (No. 414).

111. *Inspeximus* and confirmation by Geoffrey, prior, and the convent of Coventry of the appropriation of the church of Shotwick to the support of the hospitality of the abbey by William, Bishop of Coventry. 1216-23.

From Randle Holme's copy of the original, Harl. MS. 2071, f. 21d (old, 8d).

Uniuersis sancte matris ecclesie filiis ad quos presens scriptum peruenerit frater Galfridus diuina permissione prior Couintrensis et eiusdem loci conuentus salutem in Domino. Nouerit uniuersitas uestra nos inspexisse cartam venerabilis patris nostri W[illelmi] Couentrensis episcopi in hec verba :

Uniuersis sancte matris ecclesie filiis ad quos presens scriptum peruenerit W[illelmus] permissione diuina Couintrensis episcopus salutem in Domino. Attendentes honestatem religionis dilectorum filiorum H[ugonis] abbatis et conuentus sancte Wereburge Cestrie et bona que ibidem fiunt, omnes decimas et fructus quascumque de ecclesia sua de Sotewic tempore bone memorie G[alfridi] predecessoris nostri et nostro perceperunt concedimus eis diuini amoris intuitu in posterum percipiendas et in usus proprios conuertendas ad sustentationem domus sue hospitalitatis. Et ut hec

nostra concessio perpetue firmitatis robor obtineat ipsam presenti scripto sub multorum testimonio communimus. Hiis testibus: Willelmo decano de Tamewrth, magistro Radulpho de Maidenestan, magistro Roberto de Sandon, Alexandro de Swereford, Willelmo de Hathfeld, Simone de sancto Licio, Simone de Neuell, Roberto de Marisco et multis aliis.

Nos dictam concessionem ratam et gratam habentes prout canonice facta est autoritate ecclesie nostre cathedralis confirmauimus. In cuius rei testimonium presenti scripto sigillum capituli nostri duximus apponendum.

Seal (impft.) : Our Lady and Child. Legend, . . . VM : S . . . DE : . . . ENTRE. Reverse, figure in chasuble, hands raised. ✠ SECRETVM : G : PRIORIS : COVENTRI.

- 112.** *Inspeximus* and confirmation by William (de Brightwaltham), prior, and the convent of Coventry of the charters of William (de Cornhill), Bishop of Coventry, to the abbey permitting the appropriation of the churches enumerated in Nos. 105 and 109; also the charter (No. 79) of Bishop Richard (Peche) confirming the gift of the church of Neston by Ralph de Mold. 1248-79.

[f. 11 (8).] Willelmus prior Couentrensis et conuentus testificabantur se inspexisse has cartas quas eciam confirmauerunt, videlicet cartam Willelmi episcopi monachis Cestrie factam super appropriatione ecclesie de Presteburi, et cartam eiusdem Willelmi super appropriatione ecclesie de Ynes, et cartam dicti Willelmi super confirmatione ecclesie de Neston, et cartam eiusdem Willelmi super appropriatione ecclesie de Brombur[gh] et capelle de Estham. Item cartam eiusdem Willelmi de confirmatione appropriationis ecclesie de Schotewic, et cartam dicti Willelmi de appropriatione altaragii altaris sancti Oswaldi et capellarum de Bruera et de Wyrvin; et cartam Ricardi episcopi de confirmatione donacionis Radulfi de Monte alto super ecclesia de Neston.

- 113.** *Inspeximus* and confirmation by Thomas, prior, and the convent of Coventry of a charter of Bishop Roger confirming the appropriation of the nine churches and chapels enumerated in the previous confirmation, and other charters of the said Roger touching demesne tithes and ecclesiastical pensions. 1279-92.

Thomas prior et conuentus Couentrensis testificabantur se inspexisse has cartas quas eciam confirmauerunt ¹ et de verbo ad verbum transcriptas sigillauerunt, videlicet cartam Rogeri episcopi de confirmatione appropriacionis ecclesiarum, videlicet de Presteburi, Ynes, Brumbur', Estham, Schotwic, Neston, et altargii altaris sancti Oswaldi cum capellis suis, videlicet de Bruera et Wirvyn, et cartam eiusdem Rogeri de decimis dominicalibus et cartam eiusdem Rogeri de confirmacionibus pensionum ecclesiasticarum.

The first charter alluded to is abstracted in No. 105, the second in No. 119.

114. Confirmation by Geoffrey, prior, and the convent of Coventry to the abbey of the appropriations of the churches of Neston, Prestbury, Bromborough with the chapel of Eastham, and the parochial altarage of their conventual church with its appurtenant chapels of Bruera and Wervin, as contained in the charters of Bishop William. 1216-1223.

Harl. MS. 2071, ff. 39-39d (old, 24).

Omnibus sancte matris ecclesie filiis ad quos presentes littere peruenerint frater G[alfridus] humilis prior et conuentus Couentrensis monasterii eternam in Domino salutem. Iustus religiosorum profectibus pio congaudentes affectu concessionem et appropriacionem quam venerabilis pater W[illelmus] Dei gracia Couentrensis episcopus dilectis et familiaribus amicis nostris abbati et conuentui sancte Werburge Cestrensis fecit in ecclesia de Nestona cum omnibus pertinenciis suis, et ecclesia ² de Prestebur[ia] cum capellis et aliis suis pertinenciis, necnon et in ecclesia de Brunburch' cum capella de Estham, et altaragio parochiali ecclesie sue conuentualis ³ cum omnibus ad illud pertinentibus, scilicet cum capellis de Bruuario et de Wireuen et earundem pertinenciis, sicut in cartis domini W[illelmi] episcopi Couentrensis prenominati continetur, ratam habemus et auctoritate ecclesie nostre que super omnes ecclesias Couentrensis diocesis mater est et magistra prefatas concessiones et appropriaciones dictis abbati et conuentui confirmamus. In cuius rei testimonium presens scriptum sigillo nostro munitum eis duximus conferendum.

¹ confirmauit MS.

² ecclesiam MS.

³ altargii altaris sancti Oswaldi Chart.

The churches of Ince and Shotwick are evidently omitted because their appropriation was the subject of separate confirmations by the prior and convent (Nos. 107, 111).

- 115.** *Inspeximus* and confirmation by William (de Brightwaltham), prior, and the convent of Coventry, of the charter of Bishop Roger (? No. 95) confirming the possessions of the abbey, viz. ancient gifts, tithes (and) rents, and of the charter of Bishop Richard (No. 92) augmenting ecclesiastical pensions during the vacancy of churches. 1248-79.

Willelmus prior Couentrensis et eiusdem loci conuentus testificabantur se inspexisse cartam Rogeri episcopi de confirmatione possessionum ecclesie sancte Werburge, videlicet donorum antiquorum, decimarum, reddituum, et cartam Ricardi episcopi de aumentacione pensionum ecclesiasticarum ecclesiis vacantibus.

- 116.** Grant by Alexander (de Stavensby), Bishop of Coventry, to the abbey of an annual pension of three marks from the church of Weston-upon-Trent, to be received from the rector for ever. 1224-38.

A[lexander] Couentrensis episcopus dedit monachis Cestrie annuam pensionem trium marcarum de ecclesia de Weston, a rectore eiusdem ecclesie imperpetuum percipiendam.

Earl Hugh I. had given to his new foundation the manor of Weston-upon-Trent in South Derbyshire (above, p. 17). The advowson of the church was acquired (unless it was originally a chapel of Aston-upon-Trent which was given by the founder) by a gift which has not been recorded, before the charter of Pope Clement III. (1187-91), which confirms it to the abbey (above, p. 110). Although it is not so stated, Bishop Alexander in this grant was merely confirming or renewing a concession of one of his predecessors. (See the next abstract and No. 192 n.)

- 117.** Grant by Geoffrey (Muschamp), Bishop of Coventry, to the abbey of an annual pension of three marks from the church of Weston-upon-Trent to be received from the rector for ever, half at Easter and half at Michaelmas. 1198-1208.

G[alfridus] Couentrensis episcopus dedit monachis Cestrie annuam pensionem trium marcarum de ecclesia de Weston, a rectore eiusdem ecclesie imperpetuum percipiendam, videlicet medietatem ad Pasca et aliam medietatem ad festum sancti Michaelis.

- 118.** Confirmation by Alexander (de Stavensby), Bishop of Coventry, of an agreement (No. 192) between [Hugh] abbot of Chester and Martin de Sibsey, rector of Weston-upon-Trent, touching the chantry of the chapel of Weston which is in the court of the abbot. 1224-38.

A[lexander] Couentrensis episcopus confirmavit conuencionem inter abbatem Cestrie et Martinum de Cebesey, rectorem ecclesie de Weston, super cantariam capelle de Weston que est in curia abbatis.

- 119.** Confirmation by Roger, Bishop of Coventry,¹ to the abbey of all grants of tithes from demesne lands, mills, and fisheries made to it by former Earls of Chester, barons, and others in Wallasey, (West) Kirby, Woodchurch, Bebington, Eccleston, Frodsham, Daresbury, Acton, Weston (upon Trent), Aston (upon Trent), Chester, Leek, Rocester, and Over, commuted in the last three parishes for sums of money by compositions. 1246-56 or 1257-1295.

Rogerus Couentrensis episcopus confirmavit ecclesie sancte Werburge Cestrie omnes decimas quas de terris dominicalibus quondam comitum Cestrie seu baronum seu aliorum Christi fidelium largicione seu de molendinis et piscariis percepit, et precipue in parochia de Waleya duas garbas decimales de dominicis et de uno molendino ad ventum duas partes decime, in parochia de Kirkeby in Warall' de dominicis ii garbas, in parochia de Wodechirche ii garbas de dominicis et ii partes decime molendini, in parochiis de Bebinton, Eccleston, Frodesham, Derisbury, et de Acton ii garbas de dominicis et de molendinis pariter, vt superius dictum est, et in parochia de Weston decimam de dominicis, et in parochia de Aston ii garbas de dominicis, in Cestria decimam de molendinis ex vtraque parte aque de Dee et de piscaria eiusdem aque, in parochia de Leac nomine decimarum dominicalium et molendinorum dimidiam marcam, in parochia Roucestrie pro decima dominicorum v solidos, in parochia de Ouere pro decimis dominicorum v solidos, quas pecunie summas, mediis compositionibus, a rectoribus dictarum parochiarum dicta ecclesia sancte Werburge percepit annuatim.

The lower limit of date can be raised, because the composition of £4 a year made by the abbey for the Frodsham tithes on the foundation of Vale Royal abbey (1277) had not yet been effected.

¹ Roger de Weseham or Roger de Meulan.

- 120.** Confirmation by Earl Ranulf III. to Stephen, clerk of (Chipping) Campden (co. Gloucester), of the church of St. M[ary?] of Campden, as the charter of abbot Robert and the convent of Chester attests, who bestowed the said church upon him. 1186-94.

Ranulphus comes Cestrie confirmavit Stephano clerico de Campedena ecclesiam sancte M[arie?] de Campedena, sicut carta Roberti abbatis et conuentus Cestrie testatur qui ei ecclesiam predictam contulerunt.

Chipping Campden belonged to Earl Hugh I. in 1086 (D.B. i. 166*b*), and he gave its tithes to St. Werburgh's at the foundation (above, p. 17). This gift, but not that of the advowson, of the church is mentioned in the general confirmation of Pope Clement III. (1187-1191; see above, p. 110), and it would therefore appear that the latter was given by Ranulf Blundeville in the time of abbot Robert de Hastings (1186-94). The invocation of the church has been changed. It is now dedicated to St. James.

- 121.** Final concord between Hugh de Albini, plaintiff, and Walter de Pinchbeck, abbot of Chester, tenant, of the advowson of the church of (Chipping) Campden. An assize of *darrein presentment* had been summoned between them. Hugh quitclaims all rights in the church. The fine is not sealed, "perhaps because it is enrolled in Domesday." April 19, 1238.

Hec concordia facta est in curia domini regis apud Westmonasterium coram iusticiariis et aliis regis fidelibus inter Hugonem de Albaniaco petentem per R[obertum] Giffard positum loco suo ad lucrandum vel perdendum, et W. abbatem Cestrie tenentem, de aduocatione ecclesie de Campedena vnde assisa vltime presentacionis summonita fuit inter eos in eadem curia, scilicet quod predictus [Hugo] remisit et quiete clamauit de se et heredibus suis eidem abbati et successoribus suis et ecclesie sue de Cestria totum ius et clamium que habuit in dicta ecclesia imperpetuum. Hec concordia indentata non habet sigillum quia forte irrotulatur in Domesday.

The abbey's right to the advowson of Chipping Campden (see No. 120) was unsuccessfully challenged after the death of Earl Ranulf III. by his youthful nephew, Hugh de Albini, Earl of Sussex or Arundel, who on November 8, 1233, succeeded to the share of his uncle's lands which fell to his mother, Mabel, Ranulf's second sister.

The Domesday in which the final concord was enrolled was the

Cheshire record, now unfortunately lost. (See Ormerod, *Memoir on the Cheshire Domesday Roll*.) The date is supplied from *Feet of Fines* (P.R.O.), Gloucester, case 73, file 12, No. 223.

122. Certificate by Walter de Cantilupe, Bishop of Worcester, of the institution of R. de Stainsby, clerk, to the church of (Chipping) Campden, on the presentation of the abbot and convent of Chester, who by inquisition, etc. were found to be the true patrons of the church. 1238.

W. Wigornensis ecclesie minister viris venerabilibus iusticiariis de Banco domini regis Westmonasterii salutem etc. [f. 11d (8d).]¹
 Rogati testimonium perhibere vobis significamus quod ad presentacionem abbatis et conuentus Cestrie, qui secundum inquisitionem factam per viros fidedignos et eciam secundum rotulos nostros matriculares sunt veri patroni ecclesie de Campedene, R. de Stanesbi clericum ad eandem ecclesiam admisimus et ipsum rectorem instituimus in eadem, necnon corporalem possessionem eidem induci mandauimus. In cuius rei testimonium, etc.

123. Note that the abbot of Bordesley has been used to pay a yearly pension of two and a half marks to the church of (Chipping) Campden for the tithes of the grange of Combe (in Chipping Campden), but he is to pay full tithes from any other lands he may acquire in this parish. The muniments of the church of (Chipping) Campden include many evidences that the abbot and convent of Chester are its true patrons.

Abbas de Bordesleya solebat soluere annuatim duas marcas et dimidiam ecclesie de Campedene nomine pensionis pro decimis grangie de Cumbe, set si alias terras in eadem parochia adquisierit de illis plenas decimas persoluet. Sciendum quod inter hec munimenta ecclesie de Campedene plures sunt presentacionum et institutionum litere testimonium perhibentes quod abbas et conuentus Cestrie sunt eiusdem ecclesie veri patroni.

Combe, which is a hamlet in the parish of Chipping Campden, was given to Bordesley abbey by Earl Ranulf II., the gift being confirmed by his wife and infant son Hugh between 1147 and 1153.²

¹ In the middle of this folio is a note: "Henry Byrkeheued owete this boke, God make hym his seruant amen." (See p. xxix.)

² Dugd. *Mon.* v. 410. The first witness is Serlo, abbot of Savigny, who was succeeded by Richard in or before 1153. The original is in the College of Arms.

As earl, later, Hugh remade or confirmed the grant for the maintenance of six monks at Bordesley.¹ The arrangement as to tithes set out above was arrived at on June 7, 1250, after a dispute between abbot William of Bordesley and Peter, parson of Campden (*Trans. Hist. Soc.* (N.S.) 55, p. 64, where the date is wrongly given. It is here corrected from Add. Ch. 51525).

124. Grant by Roger, Earl of Clare, to the abbey of a mark of silver to be taken annually from his rent of Rothwell (Northants). When God shall deliver to him his inheritance of Denford he will assign a place there from whence to take the said mark. 1152-73.

Rogerus comes de Clara dedit ecclesie sancte Werburge Cestrie vnam marcam argenti annuatim percipiendam in festo sancti Michaelis de redditu suo de Roewella, et quando hereditatem suam de Denefordiam Deus sibi liberauerit, illuc eis locum assignabit vnde dictam marcam sine impedimento sit acceptura.

Roger de Clare, Earl of Hertford or of Clare, son of Richard Fitz-Gilbert, slain by the Welsh in 1136, was doubly connected with the earls of Chester. His grandmother, Adeliz de Clermont, daughter of Hugh, Count of Clermont en Beauvaisis, by Marguerite, daughter of Hildouin, Count of Roucy, and wife of Gilbert Fitz-Richard de Clare (d. 1114 or 1117), was sister of Ermentrude, the wife of Earl Hugh I., and his mother, also called Adeliz, was a sister of Earl Ranulf II., whose marriage portion was three ploughlands at Tathwell in Lincolnshire (Will. of Jumièges in Duchesne, *Hist. Normannorum Scriptores*, 632; Orm. i. 15; *Testa de Nevill*, 338).

Denford near Thrapston in Northamptonshire, with Raunds and other adjacent manors in the Nene valley afterwards found in the possession of the Clares, had belonged in 1086 to Geoffrey de Montbrai, Bishop of Coutances. On his revolt against William Rufus in 1088, or more probably at his death in February 1093, or the rising of his nephew, Robert de Mowbray, in 1095, the church and tithes of Denford (with the whole manor) were transferred to Earl Hugh of

There is extant a charter of Ranulf II. confirming a gift of Campden to his wife made by her father, Robert Earl of Gloucester (35 Rep. D.K. App. I. 65, p. 7). As Campden was part of the Chester fee, this grant is difficult to understand, unless there had been a subinfeudation. (See *Testa de Nevill*, 76b; *Feudal Aids*, ii. 244.)

¹ Dugd. Bar. i. 41. The original was then (1638) *penes* William Sheldon of Beoley (Worcs.), and may be now in the College of Arms to which the earlier charter probably came with other MSS. of Sheldon's son Ralph (*D.N.B.* lii. 23). Hugh's charter and a confirmation by Ranulf III. were engraved in 1737 at the expense of Richard Graves of Mickleton (Dugd. Mon. v. 407).

Chester, who bestowed them upon his new abbey of St. Werburgh's (above, p. 17, and No. 126 below). The manor was later held by the Clares, but at the date of the charter abstracted above was not in the hands of Earl Roger, who had succeeded his elder brother Gilbert in 1152, because it had been assigned in dower to his grandmother Adeliz who was still living and appears in charters of Thorney abbey, of which she was a benefactor, as "domina de Deneford" (Dugdale, *Mon.* ii. 602).¹ She had married again before 1123, her second husband being Bouchard (?) de Montmorenci, by whom she was mother of the well-known Hervey de Montmorenci, constable to the troops of his more famous nephew, Richard Fitz-Gilbert, Earl of Pembroke, called Strongbow, in the conquest of Ireland (Round, *Feudal England*, 522-4). Hervey's mother is sometimes called Adeliz de Montemoraci (*ib.*). See Addenda *supra*.

- 125.** Order of Roger, Earl of Clare, to his bailiffs of Rothwell to pay the annual mark conferred by his charter (No. 124) on the abbey of Chester until he shall acquire the manor of Denford. 1152-73.

Rogerus comes de Clara precepit balliuis suis de Roewella vt annuatim soluant infra octauas sancti Michaelis nunciis monachorum Cestrie vnam marcam argenti de redditu suo de Roewella quousque ipse manerium de Denefordia adquisierit, de quo decetero dicta marca erit persoluenda.

- 126.** Confirmation by Roger, Earl of Clare, to the abbey of the grant by Earl Hugh I. of the church of Denford, its land and the tithes of the mills and all appurtenances, and especially of the grant by Adeliz de Clermont of a virgate of land. 1152-73.

Rogerus comes de Clara confirmauit donacionem Hugonis comitis Cestrie quam fecit sancte Werburge super ecclesia de Denefordia, et terram ecclesie, cum decimis de molendinis et omnibus pertinenciis, et precipue illam virgatam terre quam Adeliza de Claro monte auia sua dedit prefate ecclesie.

See note on No. 124.

- 127.** Grant by Geoffrey, abbot of Chester, to Thomas, clerk, of the church of Denford with the tithes of the demesne

¹ One of her charters (*Mon.* ii. 603), in which she describes herself as "mater comitis Gilberti (*i.e.* de Pembroke)," was granted between 1138 and 1148. As she must have been not far off seventy in 1152, the date of Roger's grant cannot be very much later than that.

and the whole land which the church has there, with its men and rents and the tithes of the mills, paying to the monks 100s. per annum. 1194-1208.

G[alfridus] abbas Cestrie dedit Thome clerico ecclesiam de Denefordia cum omnibus pertinenciis, et decimis de dominiis, et totam terram quam ecclesia sua habuit in Denefordia cum hominibus suis et firmis, et decimas de molendinis, que omnia dicti monachi prius in manu habuerunt, reddendo eis annuatim c solidos.

- 128.** Precept by King Henry II. that the monks of Chester shall hold their land of Weston (upon Trent) with its appurtenances within the borough of Derby and without, as freely as Earl Hugh (I.) did before them and as they did in the time of Henry I. 1154-89.

Henricus rex Anglorum precepit quod monachi Cestrie habeant et teneant totam terram suam de Westona cum omnibus pertinenciis suis infra burgum de Derby et extra, ita libere sicut Hugo comes eam melius tenuit ante eos uel ipsi tempore regis Henrici aui sui, et ipsi eciam et homines sui antiquas consuetudines et libertates possideant.

See above, pp. 17, 30.

- 129.** Grant by King John that the monks of Chester and their men of the soke of Weston (upon Trent), shall be free of suits to county and hundreds, and to ridings and wapentakes, and from view of frankpledge and from aids, mercies, and all demands, pleas, and complaints pertaining to the sheriff or his bailiffs, and from carriage, and from all works on castles, fishpools, stanks, walls, bridges, roads, parks, and all other enclosures, and that they shall have their free court for all pleas, etc., arising in their land which belong to the sheriff, with soke and sake, etc., and that none shall trouble them in these matters on pain of forfeiting £10. (See Addenda.) January 11, 1215.

Charter Roll, 13 Edward I. m. 15, No. 46.

Johannes Dei gracia rex Anglie, dominus Hibernie, dux Normannie, Aquitanie et comes Andegaue, archiepiscopis, episcopis, abbatibus, comitibus, baronibus, iusticiariis, vicecomitibus, prepositis, et omnibus balliuis et fidelibus suis, salutem. Sciatis nos dedisse et concessisse et hac carta nostra confirmasse

abbacie sancte Wereburge Cestrie et monachis ibidem Deo seruientibus, pro salute anime nostre et antecessorum nostrorum, quod ipsi et omnes homines sui de soka de Weston in Derebisire cum omnibus pertinenciis suis sint liberi et quieti de omnibus sectis com[itatus] et hundredorum et trithing et wapentach' et de visu franci plegii et de auxiliis, misericordiis, et de omnibus demandis, placitis et querelis que ad vicecomitem uel balliuos suos pertinent. Et volumus quod quieti sint de caragio, et de omnibus operibus castellorum, viuariorum, stagnorum, murorum, pontium, calcearum, parcorum, et omnium aliarum clausurarum. Et concedimus eis quod ipsi abbas et monachi curiam suam habeant liberam de omnibus placitis et querelis in terra illorum emergentibus que ad vicecomitem pertinent cum soka et saka, et thol et theam, et infangenethef. Et prohibemus quod nullus eos aut res aut possessiones suas aut homines eorum contra libertatem huius carte nostre grauet aut inquietet, vexet aut disturbet in aliqua re super forisfacturam nostram decem librarum. Quare volumus et precipimus quod predicta abbacia sancte Wereburge Cestrie, et monachi ibidem Deo seruientes, et omnes homines sui de soka de Weston in Derebisire habeant et teneant omnes predictas libertates imperpetuum, bene et in pace, quiete et integre cum omnibus pertinenciis suis, sicut predictum est. Hiis testibus, domino P[etro] Wyntoniensi episcopo, Ranulpho comite Cestrie, W[illelmo] comite Warenne, W[illelmo] comite Arundel[lie], W[illelmo] comite Ferrars, Willelmo Brewere, Willelmo de Cantilupo. Data per manum magistri Ricardi de Marisco cancellarii nostri apud Novum Templum Londoniis, xi die Januarii anno regni nostri sextodecimo.

- 130.** Grant by King Henry III. to the abbey of a weekly market and an annual three days' fair (July 31–August 2) at Aston (upon Trent) within the manor of Weston (upon Trent), provided they are not prejudicial to neighbouring markets and fairs. 1257 and 1270.

From Charter R. 73, 13 Edw. I. No. 46 (6).

Henricus Dei gratia rex Anglie, dominus Hibernie, dux Normannie et Aquitanie et comes Andegaue archiepiscopis, episcopis, abbatibus, prioribus, comitibus, baronibus, iusticiariis, vicecomitibus, prepositis, ministris et omnibus balliuis et fidelibus suis salutem. Sciatis nos concessisse et hac carta nostra confirmasse dilectis nobis in Christo abbati et conuentui sancte Wereburge Cestrie quod ipsi et eorum successores imperpetuum

habeant unum mercatum apud Aston infra manerium suum de Weston in comitatu Derbeie singulis septimanis per diem Martis, et unam feriam ibidem singulis annis per tres dies duraturam, videlicet in vigilia, in die et in crastino sancti Petri ad Vincula, nisi mercatum illud et feria illa sint ad nocumentum vicinorum mercatorum et vicinarum feriarum. Quare volumus et firmiter precipimus pro nobis et heredibus nostris quod predicti abbas et conuentus et eorum successores imperpetuum habeant mercatum predictum et feriam predictam cum omnibus libertatibus et liberis consuetudinibus ad huiusmodi mercatum et feriam pertinentibus, nisi mercatum illud et feria illa sint ad nocumentum vicinorum mercatorum et vicinarum feriarum, sicut predictum est.

Hiis testibus: Willelmo de Valencia fratre nostro, Rogero le Bigod comite Norfolcie et marescallo Anglie, Hugone de Veer comite Oxonie, Johanne de Plesset comite Warrwice, Philippo Basset, Johanne filio Galfridi, Johanne de Grey, Rogero de Montealto, Roberto Waleraund, Willelmo de Grey, Nicholao de sancto Mauro, Radulpho de Bakepuz, Bartholomeo le Bigod, Willelmo Gernun, et aliis. Data per manum nostram apud Cestriam xv die Septembris anno regni nostri quadragesimo primo. Is erat tenor sub priori sigillo quod tunc utebamur. Quod quia postmodum mutatum est presentem cartam sigillo nostro quo nunc utimur duximus consignandum. Hiis testibus Roberto Waleraund, Roberto Aguillen, Willelmo de Wyntershull, Willelmo de Aete, Radulpho de Bakepuz, Rogero de Waulon, Willelmo de Fancham, et aliis. Data per manum nostram apud Westmonasterium xv die Julii anno regni nostri quinquagesimo quarto.

The date of the original grant, September 15, 1257, was just before the king's departure from Chester, whither he had returned about a week before from the unsuccessful expedition into Wales, which had started on Sunday, August 19 (*Ann. Cestr.* 74).

131. Quitclaim by Sir William de Verdon the elder, kt., to William his son and heir, of all his right in the pasture of Cowholm. 1200-26 (?).

Willelmus de ¹ Verdon senior miles quiete clamauit Willelmo filio suo et heredi omne ius quod habuit in pastura in Couholm.

William de Verdon the elder married Alice (No. 275) the eldest of the three daughters and coheirs of Robert, son of Walter (No. 247)

¹ le MS.

and his wife Dina, whose lands in Aston, Shardlow, and Wilne were (with a few exceptions) assigned to him as his wife's share in a final concord of 1200 (Jeayes, *Cat. of Derbyshire Charters*, 1726). Verdon was still living in or after 1228 according to No. 248, but cf. No. 133.

- 132.** Quitclaim by W[illiam] de Verdon the younger to Walter (de Pinchbeck), abbot of Chester, of all his right in the pasture of Cowholm. 1228-40.

W[illelmus] de Verdon iunior quiete clamauit Waltero abbati Cestrie totum ius quod habuit in pastura de Couholm.

- 133.** Grant by W[illiam] de Verdon the younger to H[ugh], abbot of Chester, of a messuage in Aston (upon Trent) and as much meadow as pertains to a virgate of land of his demesne there, when his inheritance devolved upon him, for 12*d.* which the abbot shall render to the said William and his heirs for a virgate of land which the said abbot held of him. 1208-26.

W[illelmus] de Verdon iunior dedit H[ugoni] abbati Cestrie vnum mesuagium in Aston equale mesuagio Rogeri filii Seward, [f. 12 (9).] et tantum prati quantum pertinet ad vnam virgatum terre de dominico suo in dicta villa, quando hereditas sua fuit ad se deuoluta, pro xii denariis quos dictus abbas reddet dicto W[illelmo] et heredibus suis pro vna virgata terre quam de se dictus abbas tenuit.

The original grant of the virgate and promise of the messuage are in No. 135. For Roger, son of Seward, see Nos. 134, 159, 162, 164.

- 134.** Grant by W[illiam] de Verdon to W[illiam] his son and heir of a virgate of land in Aston (upon Trent) which Roger, son of Seward, held, and a toft which Walter Freeman held, saving the abbot of Chester's rent of 9*d.*

W[illelmus] de Verdon dedit W[illelmo] filio suo et heredi vnam virgatum terre in Aston cum omnibus pertinenciis quam Rogerus filius Suardi tenuit, et vnum toftum quod Walterus Fremon tenuit, salua firma abbatis Cestrie, scilicet ix denariis.

- 135.** Grant by W[illiam] de Verdon the younger to H[ugh], abbot of Chester, of a virgate of land in Aston (upon Trent) of his demesne, rendering to him 12*d.* per annum, and when he succeeds to his inheritance he will let the abbot have

a messuage in Aston equal to that of Roger, son of Seward, with meadow, etc. 1208-26.

W[illelmus] de Verdon iunior dedit H[ugoni] abbati Cestrie vnam virgatam terre in Eston de dominico suo que est proxima virgate terre H. capellani, reddendo sibi annuatim xii*l*. ad Annunciacionem Dominicalem et ad festum sancti Michaelis per equales porciones, et cum hereditas sua ad ipsum fuerit deuoluta, faciet abbatem habere vnum mesuagium in Aston equale mesuagio Rogeri filii Seward,¹ de dominico suo,¹ et tantum prati in dicta villa quantum pertinet ad vnam virgatam terre de dominico suo in eadem villa.

The promise here made was duly fulfilled (No. 133). See Addenda.

- 136.** Grant by W[illiam] de Verdon the elder to H[ugh], abbot of Chester, for the term of the said W[illiam]'s life, of two oxgangs of land in Aston (upon Trent), except the toft and croft, which R[oger] Chancellor held. 1208-26.

² W[illelmus] de Verdon senior dedit H[ugoni] ² abbati Cestrie ad terminum [vite] dicti W[illelmi] ii bouatas terre in Aston, exceptis tofto et crofto, quas R[ogerus] cancellarius tenuit.

The toft reserved was probably that once held by Roger Chancellor which William de Verdon the younger afterwards gave to the abbey (No. 141).

- 137.** Grant by W[illiam] de Verdon the elder to Roger, chaplain of Aston (upon Trent), of a toft in Aston lying between the land of John de Verdon and that of Richard Curtis, saving external service, paying to him and his heirs half a pound of cummin yearly. 1200-26 (?).

W[illelmus] de Verdon senior dedit Rogero capellano de Aston quoddam toftum in Aston iacens inter terram Iohannis de Verdon et terram Ricardi Curteys, saluo forinseco seruicio, reddendo sibi et heredibus suis annuatim ad Natale Domini dimidiam libram cumini.

- 138.** Grant by W[illiam] de Verdon the elder to Arnold de Aston of three acres of land in the field of Aston (upon Trent) for the whole of his life. 1200-26 (?).

¹ Crossed through with the pen in the MS.

² These words and the heading (De ii bouatis in Aston) are crossed through with the pen, probably because the grant was made permanent by William de Verdon the younger (No. 142).

¹ W[illelmus] de Verdun senior dedit Ernaldo de Aston iii acras terre in campo de Aston ad totam vitam suam.

139. Quitclaim by Sir W[illiam] Verdon to the abbey of all right in a toft in Aston (upon Trent) which Peter (? the) Chancellor once held (cf. No. 200). 1200-26 (?).

W[illelmus] de Verdun miles quiete clamauit ecclesie sancte Werburge Cestrie totum ius et clamium quod habuit uel habere potuit in quoddam tofto in Aston quod Petrus cancellarius aliquando tenuit.

140. Grant by W[illiam] de Verdon the younger to Roger (Frend), abbot of Chester, of an acre of land in the field of Aston (upon Trent) near the land of the said abbot on the hill towards Derby. 1240-49.

W[illelmus] de Verdon iunior dedit Rogero abbati Cestrie vnam acram terre in campo de Aston iuxta terram dicti abbatis super montem versus Derby.

141. Grant by W[illiam] de Verdon the younger to the abbey of a toft which Roger Chancellor once held in Aston (upon Trent), in exchange for a toft which he had promised by charter after the death of his father, and five roods of land lying along the low ground opposite the hill.

W[illelmus] de Verdon iunior dedit monachis Cestrie quoddam toftum quod Rogerus cancellarius aliquando tenuit in Aston ² pro escambio vnus tofti quod eis facere debui post decessum patris mei, vnde habent cartam meam,³ et v rodas terre cum pertinenciis iacentes inter slade contra collem.

See note on No. 136 and Nos. 142 and 161.

142. Grant by W[illiam] de Verdon the younger to abbot H[ugh] (Grylle) of two oxgangs in Aston (upon Trent) except the toft and croft of the said oxgangs which Roger Chancellor held, paying him yearly a pair of gilt spurs or 4*d*. 1208-26.

W[illelmus] de Verdon iunior dedit H[ugoni] abbati et con-

¹ The first and third words along with the heading (De iii acris in campo de Aston) are crossed through with the pen. See Nos. 163, 166.

² The sentence pro . . . meam is underlined with dots, probably for deletion; "quod eis" and "carta" are crossed through with the pen.

³ See last note.

uentui Cestrie ii bouatas terre in villa de Aston cum omnibus pertinenciis, exceptis tofto et crofto dictarum bouatarum quas Rogerus cancellarius tenuit, reddendo sibi annuatim par calcarium deauratorum uel iiii denarios in festo beati Iohannis Baptiste.

See No. 136. The toft here reserved was perhaps afterwards given to the abbey (No. 141).

- 143.** Quitclaim by William de Verdon the elder to William his son and heir, of six oxgangs of land in Aston (upon Trent), saving the toft which Roger de Cokeswall', brother of John de Cokeswall', held, viz. two oxgangs which Roger, son of John de Cokeswall', held, together with the said Roger and his sequel and chattels; and two oxgangs which Lambert held, together with Lambert himself, etc.; and two oxgangs which Roger, brother of John de Cokeswall', held. 1200-1226 (?).

Willelmus de Verdon senior quiete clamauit Willelmo filio suo et heredi vi bouatas terre in Aston cum omnibus pertinenciis, saluo tofto quod Rogerus de Cokeswall' frater Iohannis de Cokeswall' tenuit, uidelicet ii bouatas quas Rogerus filius Iohannis de Cokeswall' tenuit, simul cum ipso Rogero et tota sequela sua et omnibus suis catallis, et ii bouatas quas Lambertus tenuit vna cum ipso Lamberto et tota sequela sua et catallis suis, et ii bouatas quas Rogerus frater Iohannis de Cokeswall' predicti tenuit.

William de Verdon the younger afterwards gave these six oxgangs to St. Werburgh's (No. 151 below).

- 144.** Attornment by W[illiam] de Verdon the younger, in the court of the abbot of Chester, of Arnold de Aston and his heirs to pay for him yearly to his (William's) father for life the rent of 6*d.* due from the virgate which Arnold held of him (the son) and from the toft which W[alter] Freeman held (No. 134), and to pay the abbot's rent.

W[illelmus] de Verdon iunior in plena curia abbatis Cestrie attornauit Ernaldum de Aston et heredes suos uel assignatos ad reddendum annuatim pro se vi denarios pro firma sua dicto W[illelmo] debita pro vna uirgata terre quam de se tenuit et pro uno tofto quod W[alterus] Fremon tenuit, W[illelmo] de Verdon patri suo omnibus diebus vite sue ad Annunciacionem Domini-calem iiii denarios et ad festum sancti Michaelis iii denarios, et ad reddendum firmam dicti abbatis.

For Arnold de Aston see also Nos. 138, 158 *sqq.*, 174, 176 *sqq.*

145. Grant by W[illiam] de Verdon the younger to abbot Roger (Frend) of the homage and service of W., son of Lambert de Weston (No. 209), for eight acres in the territory of Aston (upon Trent), and also of half an acre in the field of Aston near the abbot's land beyond the ascent towards Derby. 1240-49.

W[illelmus] de Verdon iunior dedit abbati Rogero homagium et seruicium que W. filius Lamberti de Weston sibi facere debuit de viii acris terre in teritorio de Aston cum pertinenciis, necnon dictus W[illelmus] dedit dimidiam acram iacentem iuxta terram dicti abbatis ultra cliuium versus Derby.

146. Confirmation by Ranulf, Earl of Chester, to the abbey of Robert the Hunter's gift (No. 189) of four oxgangs of land in Weston (upon Trent).

Ranulphus comes Cestrie confirmauit monachis Cestrie donacionem Roberti venatoris super quatuor bouatis terre in Weston.

147. Quitclaim by Ranulf (III.), Earl of Chester, to the abbey of the enclosures of Quarndon¹ Park, Weston, Aston, and of all their lands in Derbyshire. 1181-1232.

Ranulphus comes Cestrie quiete clamauit monachis Cestrie [f. 12d (9d).] clausuras de Parco de Querendon, de Weston, Aston, et de omnibus terris ad eos spectantibus in Derbisiria.

148. Agreement between the abbot of Chester and W[illiam] de Verdon the elder that the said W[illiam] or his tenants are bound to do one ploughing a year² for the abbot, for the fief which W[illiam] holds of him, and that the said W[illiam] will share with the abbot the cost of enforcing this right upon his tenants. 1200-26 (?).

Conuenit inter abbatem Cestrie et W[illelmum] de Verdon seniozem quod dictus W[illelmus] uel sui tenentes tenentur dicto abbati singulis annis in vnam araturam pro feodo quem³ W[illelmus] tenet de dicto abbate, et quod dictus W[illelmus] stabit cum abbate ad expensas abbatis ad ius a tenentibus suis adquirendum.

See the next entry.

¹ Three miles N.N.W. of Derby.

² Called "aratura hiemalis" in the heading.

³ quam MS.

- 149.** Recognition by W[illiam] de Verdon the elder that all his villeins of the fee of Weston shall do a day's ploughing yearly in winter for the church of St. Werburgh at Weston (upon Trent), providing their own meals, and shall come as prompt and ready as they plough throughout the year. 1200-26(?).

W[illelmus] de Verdon senior recognouit ut omnes rustici sui de feodo de Weston faciant annuatim in hyeme araturam vnus diei ecclesie sancte Werburge apud Weston ad proprium cibum eorum, et ita prompti et parati veniant sicut arant per annum.

- 150.** Grant by W[illiam] de Verdon the younger to abbot Roger (Frend) of the homage, etc., of John de Verdon of Aston (upon Trent), with relief and all escheats and an annual rent of 1*d.*, saving to Henry, son of William de Weston, a rent of 5*d.* from the same tenement. 1240-49.

W[illelmus] de Verdon iunior dedit Rogero abbati homagium et seruicium Iohannis de Verdon de Aston cum releuio et omnibus eschaetis, et cum redditu vnus denarii percipiendi annuatim, videlicet obolum ad Annunciacionem Dominicalem et obolum ad festum sancti Michaelis cum omnibus pertinenciis, saluo Henrico filio Willelmi de Weston redditu v denariorum de eodem tenemento ad eosdem terminos reddendorum, quos sibi prius vendidit.

- 151.** Grant by W[illiam] de Verdon the younger to abbot Walter (de Pinchbeck) of six oxgangs of land in Aston (upon Trent), as in No. 143 above. 1228-40.

W[illelmus] de Verdon iunior dedit abbati Waltero vi bouatas terre in Eston cum omnibus pertinenciis, saluo tofto quod Rogerus filius¹ Iohannis de Cokeswall' tenuit, videlicet ii bouatas quas dictus Rogerus tenuit, et ii quas Lambertus tenuit, et ii quas Rogerus frater Iohannis de Cokeswall' tenuit, cum dictis Rogero et Lamberto et eorum sequelis et catallis.

- 152.** Grant by W[illiam] de Verdon the younger to abbot Walter of four acres of land in Aston (upon Trent), *i.e.* two under Little Galowoe and two in the field towards Chellaston,

¹ frater in No. 143, probably more correctly.

with 6*d.* rent which Richard the deacon owed him yearly for a toft in Aston, with homage and relief, etc. 1228-40.

W[illelmus] de Verdon iunior dedit abbati Waltero iiii acras terre in Aston, scilicet ii sub Litel Galowoe et ii in campo versus Chelardeston, cum redditu vi denariorum quos Ricardus diaconus sibi annuatim debuit pro uno tofto in Aston cum homagio et releuio et omnibus pertinenciis.

153. Grant by W[illiam] de Verdon the younger to abbot Walter of four acres of meadow near Forkedemere in the field of Aston. 1228-40.

W[illelmus] de Verdon iunior dedit abbati Waltero iiii acras prati iacentes iuxta Forkedemere in campo de Aston.

154. Grant by W[illiam] de Verdon the younger to abbot Walter of two acres on Heyethurne, and one acre in Ylemereholm, and one on Middelsoforlong, and one at Mordicheswall', and one on Altamgalewoe, and half (an acre) on the hill towards the ash-trees, and half (an acre) in Thorneleiesiche. 1228-40.

W[illelmus] de Verdon iunior dedit abbati Waltero ii acras super Heyethurne, et i acram in Ylemereholm, et i super Middelsoforlong, et i ad Mordicheswall', et i super Altamgalewoe, et dimidiam super collem versus fraxinos, et dimidiam in Thorneleiesiche.

155. Grant by W[illiam] de Verdon the younger to abbot Walter of two tofts in Aston (on Trent), lying between the toft which Nicholas de la Graue once held and the spring called Cokeswell', also confirmation of all his previous grants. 1228-40.

W[illelmus] de Verdon iunior dedit abbati Waltero duo tofta in Aston cum pertinenciis iacencia inter toftum quod Nicholaus de la Graue aliquando tenuit et fontem qui vocatur Cokeswell'. Item dictus W[illelmus] confirmauit omnes donaciones et quiete clamaciones cum omnibus pertinenciis quas prius ecclesie sancte Werburge fecit.

156. Grant by W[illiam] de Verdon the younger to abbot Walter of all the meadow in the meadowland of Aston (upon Trent) which is called Gillemedewe. 1228-40.

W[illelmus] de Verdon iunior dedit abbati Waltero totum pratum in pratorio de Aston qui vocatur Gillemedewe, cum omnibus pertinenciis.

- 157.** Grant by W[illiam] de Verdon the younger to abbot Walter of twelve acres in the field of Aston. 1228-40.

W[illelmus] de Verdon iunior dedit abbati Waltero xii acras terre in campo de Aston cum omnibus pertinenciis.

- 158.** Grant by W[illiam] de Verdon the younger to Arnold de Aston of a virgate of land in the field of Aston and a toft there which Lambert held, paying him 1*d.* at Christmas and 1*d.* at Easter, saving the rent of the lord abbot.

W[illelmus] de Verdon iunior dedit Ernaldo de Aston vnam virgatam terre in campo de Aston, et vnum toftum in Eston quod Lambertus tenuit, reddendo sibi annuatim vnum denarium ad Natale Domini et vnum ad Pascha, salua firma domini abbatis.

- 159.** Grant by W[illiam] de Verdon the younger to Arnold de Aston of a toft in Aston (upon Trent) which Roger, son of Seward, held near the corner of the churchyard towards the east, paying to him two white gloves yearly.

W[illelmus] de Verdon iunior dedit Ernaldo de Aston vnum toftum in Aston quod Rogerus filius Sewardi tenuit iuxta angulum cimiterii versus orientem, reddendo sibi annuatim ad Natale Domini duas albas cirothecas.

- 160.** Grant by W[illiam] de Verdon the younger to Arnold de Aston of two acres of land in the field of Aston (upon Trent), one in Mewinesflatt' and the other in Dunclauestr', paying to him 1*d.* at Easter yearly.

W[illelmus] de Verdon iunior dedit Ernaldo de Aston ii acras terre in campo de Aston, i in Mewinesflatt' iuxta dimidiam acram quam abbas Cestrie de se tenuit, et aliam in Dunclauestr', reddendo sibi annuatim i denarium ad Pascha.

- 161.** Grant by W[illiam] de Verdon the younger to Arnold de Aston of one oxgang of land in the field of Aston (upon Trent), with the toft which Roger Chancellor held, paying to him yearly 1*d.* at the feast of St. Thomas the Apostle

(December 21) and 1*d.* at the feast of St. John the Baptist (June 24).

W[illelmus] de Verdon iunior dedit Ernaldo de Aston vnam bouatam terre in campo de Aston cum tofto quam Rogerus cancellarius tenuit, reddendo sibi annuatim i denarium ad festum beati Thome apostoli et vnum ad festum sancti Johannis Baptiste.

See also Nos. 136, 142.

162. Grant by W[illiam] de Verdon the younger to Arnold de Aston of four oxgangs of land and five acres in the field of Aston (upon Trent), with two tofts in Aston, two of which Roger, son of Seward, held with a toft, and the other two were of his demesne without meadow with the toft lying between that of Alan, son of Henry, and that of Oliver Sauncheverel, paying to him yearly 2*d.*, saving the abbot's service, namely 8 $\frac{3}{4}$ *d.*

W[illelmus] de Verdon iunior dedit Ernaldo de Aston iiii bouatas terre et v acras in campo de Aston cum ii toftis in Aston, quarum ii Rogerus filius Sewardi tenuit cum uno tofto, et due alie fuerunt de suo dominico sine prato cum illo tofto quod iacet inter toftum Alani filii Henrici et toftum Oliueri Sauncheuerel, reddendo sibi annuatim i denarium ad Pascha et alium ad Natale Domini, saluo seruicio abbatis, scilicet viii denariorum et iii quadrantum.

163. Confirmation by W[illiam] de Verdon the younger of a grant made by his father to Arnold de Aston, viz. three acres of land in the field of Aston (upon Trent), and two selions at Harneford', half an acre in Teterside, three selions on Mordicheforlong, two selions on the Short Pastineslands, and one selion on the Long Pastineslands, paying to him yearly 1*d.* William also confirmed his own gifts in another charter.

W[illelmus] de Verdon iunior confirmauit donum patris sui [f. 13 (10).] Ernaldo de Aston, videlicet iiii acrarum terre in campo de Aston, et ii sellionum ad Harneford', et dimidie acre in Tetersid' et iiii sellionum super Mordicheforlong, et ii sellionum super Curtas Pastineslondes et vnus sellionis super Longas Pastineslondes contra montem, reddendo sibi annuatim i denarium ad Natale Domini. Ista quidem dictus W[illelmus] non tantum confirmauit, set que ex proprio dono dedit, ut patet in carta alia.

- 164.** Grant by W[illiam] de Verdon the younger to Arnold de Aston of one virgate of land in the field of Aston (upon Trent) which Roger, son of Seward, held, and one toft which Roger Freeman held, paying to him 6*d.* yearly, saving the lord abbot's rent, namely 9*d.*

W[illelmus] de Verdon iunior dedit Ernaldo de Aston i virgatam terre in campo de Aston quam Rogerus filius Sewardi tenuit, et i toftum quod Rogerus Fremon tenuit, reddendo sibi annuatim ad Annunciacionem beate Marie iii denarios et ad festum sancti Michaelis iii denarios, salua firma domini abbatis, scilicet ix denariorum.

- 165.** Grant by W[illiam] de Verdon the younger to Arnold de Aston of a toft in Aston (upon Trent) which was Roger Seward's, paying spurs to him at Christmas.

W[illelmus] de Verdon iunior dedit Ernaldo de Aston vnum toftum in Aston quod fuit Rogeri Seward, reddendo sibi annuatim calcaria ad Natale Domini.

- 166.** Grant by W[illiam] de Verdon to Arnold (de Aston) of three acres of land in the field of Aston (upon Trent), paying to him 1*d.* at Christmas.

W[illelmus] de Verdon dedit Ernaldo iii acras terre in campo de Aston, reddendo sibi annuatim i denarium ad Natale Domini.

- 167.** Grant by W[illiam] de Verdon the younger to Emma, widow of Arnold de Aston, of seven oxgangs of land, with three tofts which Arnold held of W[illiam]'s fief, and which in his court in his presence he assigned and granted to the said Emma and Thomas, her son, paying to the said W[illiam] 2*d.* and a pair of spurs yearly, saving the abbot's service, viz. 8½*d.* in a certain toft. Before 1249.

W[illelmus] de Verdon iunior dedit Emme uxori quondam Ernaldi de Aston vii bouatas terre cum tribus toftis, que omnia dictus Ernaldus de feudo dicti W[illelmi] tenuit, et in curia sua, ipso presente, dicte Emme et Thome filio suo assignauit et dedit, reddendo dicto W[illelmo] annuatim i denarium et par cirotecarum ad Natale Domini et i denarium ad Pascha. Saluo seruicio domini abbatis, videlicet viii denariorum et trium quadrantum, in quodam tofto.

See No. 179.

168. Agreement between Henry, son of Ellis, plaintiff, and W[illiam] de Verdon the younger,¹ deforciant, in a plea of covenant touching a rent of $16\frac{1}{2}d.$ of which the said W[illiam] failed to acquit Henry towards the abbot of Chester, viz. that W[illiam] by charter confirmed to Henry the homage, etc., of Alan, son of Alan de Aston, and a yearly rent of $17d.$ due to W[illiam] by Alan for a certain plot of land in his chief messuage, and an acre of land in the field of Aston (upon Trent); Henry and his heirs to hold the above from W[illiam] and his heirs, and Alan and his heirs of Henry and his heirs and to be answerable to them for reliefs, wards, escheats, etc., the said W[illiam] and his heirs to exact nothing as lord of the fief, Alan and Henry not to mortgage or alienate the land, Henry and his heirs to pay the rent of $16\frac{1}{2}d.$ to the abbot, and if ever there is nothing to distrain upon on the land, to have power to distrain upon W[illiam]'s chattels. For this agreement Henry gave W[illiam] 5s. of silver. c. 1230-50.

Ita conuenit inter H[enricum] filium H[elye]² querentem et W[illelmum] de Verdon deforciantem de placito conuencionis dudum inter eos facte de xvi denariis redditus annui et vnus oboli, vnde dictus W[illelmus] debuit adquietasse ipsum H[enricum] versus abbatem Cestrie et non fecit, propter quod idem H[enricus] districtus fuit et grauatus, videlicet quod dictus W[illelmus] carta sua confirmauit dicto H[enrico] homagium et seruicium Alani filii Alani de Aston et redditum x et vii¹ d per annum in quibus Alanus tenebatur eidem W[illelmo] per annum pro quadam placea terre de capitali mesuagio ipsius W[illelmi] que continet a porta ipsius W[illelmi] usque ad murum Andree quinquies viginti et x et viii pedes in longitudine, in latitudine uero iuxta murum Andree versus orientem lx et ix pedes, in medio uero xl et viii pedes, et ad capud versus occidentem xxx et ix pedes, et vna acra terre arabilis in campo de Aston, vnde dimidia acra iacet super Hundelond' inter terram quam Symon le Fraunceys³ aliquando tenuit et terram Ricardi filii Ede, et alia dimidia acra iacet super Foxoles inter terram quam Thomas emit de predicto W[illelmo] et terram predicti Ricardi, quam dictus Alanus prius tenuit de predicto W[illelmo]. Ita quod predictus H[enricus] et heredes sui de cetero tenebunt omnia

¹ Supplied from the heading.

² Extended from the heading.

³ See No. 210.

predicta de dicto W[illelmo] et heredibus suis libere, etc. imperpetuum; et dictus Alanus et heredes sui de cetero tenebunt dictas terras de dicto H[enrico] et heredibus suis, et eisdem H[enrico] et heredibus suis acheuiabunt, respondebunt et intendunt tam de releuiis, wardis et eschaetis, quam de omnibus aliis que de predictis terris accidere poterunt. Ita quod dictus W[illelmus] uel heredes sui nichil poterunt inde exigere imperpetuum, set omnia predicta warantizabunt, etc. ipsi H[enrico] et heredibus suis imperpetuum tam de sectis curiarum, comitatum et wapentacorum quam de omnibus aliis casibus qui possint inde exigi per dominos feodi. Predictus uero Alanus et H[enricus] et heredes eorum nunquam poterunt terras illas obligare nec alico modo alienare Iudeis uel alicubi in religionem per quod deterius uel aliquod dampnum uel grauamen possint accidere ipsi W[illelmo] uel [heredibus] suis. Set predictus H[enricus] et [heredes] sui imperpetuum soluent annuatim de predicto redditu abbati Cestri x et vi denarios et obolum in terminis statutis, sicut dictus W[illelmus] solebat reddere, scilicet ii denarios ad Pentecosten, et vii denarios et quadrantem ad festum sancti Iohannis Baptiste, et vii denarios et quadrantem ad festum sancti Thome apostoli. Et si forte contingat dictas terras deuastari uel non excoli, ita quod nulla catalla possint ibi inueniri ad distringendum pro predicto seruicio, tunc licebit dicto H[enrico] et heredibus suis distringere pro predictis per catalla inuenta uidelicet in terris ipsius W[illelmi] quas habet¹ uel ad tempus posuerat et ad terminum tempore huius compositionis, cuiuscunque predicta catalla fuerint. Et pro hac concordia et compositione dictus H[enricus] dedit dicto W[illelmo] v solidos argenti.

See also No. 198.

- 169.** Grant by W[illiam] de Verdon the younger to Roger the chaplain of Stamford of seventeen acres and half a rood of arable land in the fields of Aston (upon Trent) and one and a half acres of meadow of his demesne, namely—in Horsefeld three acres and one rood; two and a half acres at Wadesute thorn; half an acre at Lonedui; half an acre at Thurleston; three acres and one and a half roods at Derby; three acres at Chellaston; four acres in the meadow at Redeput; one and a half acres of meadow; paying to him 2*d.* yearly at Christmas. c. 1230–50.

¹ Corrected from *habuit* in another hand.

W[illelmus] de Verdon iunior dedit Rogero capellano de Stamford xvii acras et dimidiam rodam terre arabilis in campis de Aston, et i acram et dimidiam prati in pratis eiusdem ville de dominio suo, scilicet in Horsfeld iii acras et vnam rodam scilicet heec ¹ ii acras et dimidiam ad Wadesute thorn, dimidiam acram ad Lonedui, dimidiam acram ad Thurleston, iii acras et i rodam et dimidiam rodam ad Derby, iii acras ad Chellarston, iiii acras in prato ad Redeput, vnam acram et dimidiam acram prati, reddendo sibi annuatim ii denarios ad Natale Domini. f. 13d (10d).]

170. Confirmation by W[illiam] de Verdon the younger of a grant by his father to R. the chaplain ² (No. 137) of a toft in Aston (upon Trent), paying to him yearly $\frac{1}{2}$ lb. of cummin.

W[illelmus] de Verdon iunior confirmavit donum patris sui de quodam tofto in Aston iacente inter Johannem de Verdon et Ricardum Curteys, reddendo sibi annuatim dimidiam libram cimini ad Natale Domini.

171. Grant by W[illiam] de Verdon the younger to Roger the chaplain of three roods of land on Flinticlif, and one acre on Crombehalfacres, and one acre on Thornberlin, and one acre of meadow on Snechedoles, all in Aston (upon Trent), paying to him 1d. yearly. c. 1226-49.

W[illelmus] de Verdon iunior dedit Rogero capellano xi rodas terre arabilis in campis de Aston, et vnam acram prati in pratis eiusdem ville, scilicet iii rodas terre super Flinticlif, et vnam acram super Cromebehalfacres et vnam acram super Thornberlin et vnam acram prati super Snechedoles, reddendo sibi annuatim i denarium ad Natale Domini.

See also Nos. 174, 177.

172. Grant by W[illiam] de Verdon the younger to William, son of Lambert, of eight acres of land in Aston (upon Trent), viz. two on Gostinelondes, two by the way to Bortefoxoles, two at Wittinnmere, and one on Blodi londes, and four butts in Hipelmereholm, paying to him $\frac{1}{2}$ d. yearly.

W[illelmus] de Verdon iunior dedit Willelmo filio Lamberti viii acras terre in Aston, videlicet ii super Gostinelondes, et

¹ Sic in MS.

² Name supplied from heading. Query whether the Rogerus capellanus of the preceding and the next charter (cf. No. 177).

ii ad viam ad Bortefoxoles, et ii ad Wittinmere, et vnam super Blodi londes, et quatuor buttas in Hipelmerholm, reddendo sibi annuatim obolum ad Pascha.

- 173.** Grant by W[illiam] de Verdon the younger to Ralph, son of Alan, of a plot of land in Aston (upon Trent) near the road to the Green, paying to him $\frac{1}{2}d.$ yearly. *c.* 1226-50.

W[illelmus] de Verdon iunior dedit Radulpho filio Alani vnam placeam terre in Aston iacentem iuxta viam versus Le Grene, longitudinis sexaginta et vi pedum, latitudinis ad austrum xl et iiii pedum et ad aquilonem xxxv pedum, reddendo sibi annuatim obolum ad Pascha.

- 174.** Grant by Roger the chaplain of Aston to Arnold de Aston of all the land which he bought from William de Verdon the younger in the vill and field of Aston (upon Trent), paying 2*d.* yearly at Christmas to God and the lamp of St. Katherine in the church of Aston (No. 196). *c.* 1226-49.

R[ogerus]¹ capellanus de Aston dedit Ernaldo de Aston totam terram suam quam emit a Willelmo de Verdon iuniore in villa et campo de Aston, reddendo annuatim Deo et lampadi sancte Katerine in ecclesia de Aston ii denarios ad Natale Domini.

- 175.** Grant by H[ugh], abbot of Chester, to Arnold de Weonger (? Wingerworth, near Chesterfield) of four oxgangs of land in Aston (upon Trent) which he bought of Robert, son of Simon (No. 210), paying yearly 4*s.* 1208-26.

H[ugo] abbas Cestrie dedit Ernaldo de Weonger iiii bouatas terre in Aston quas emit de Roberto filio Symonis, reddendo sibi annuatim ii solidos ad Annunciacionem Dominicam,² et ii solidos ad festum sancti Michaelis.

- 176.** Grant by H[ugh], abbot of Chester, to Arnold de Aston and Emma his wife and their issue, or failing such issue, to the issue of the survivor by a subsequent marriage, of two oxgangs of land which Reginald Cademon held, paying yearly 5*s.* 9 $\frac{1}{2}d.$ If both die without issue, the land to revert to the abbey. 1208-26.

¹ Extended from the heading.

² Dominica MS.

H[ugo] abbas Cestrie dedit Ernaldo de Aston et Emme uxori eius et liberis ex eis nascituris ii bouatas terre quas Reginaldus Cademon tenuit, reddendo sibi annuatim ad Annunciacionem Dominicam¹ xxxiiii denarios et obolum et ad festum sancti Michaelis xxxv denarios. Si uero decedente Emma Ernaldus ex alia legitima uxore liberos habuerit, ad eos dicta terra deuoluetur, et si dicto Ernaldo decedente, dicta Emma, etc. dicta terra ad eos deuoluetur. Set si vterque absque liberis decesserit, dicta terra ad ecclesiam sancte Werburge reuertetur.

For Emma see also No. 167.

- 177.** Assignment² by Roger the chaplain in the court of the abbot of Chester to Arnold de Aston and his heirs of all his land in Aston (upon Trent) and delivery of his deeds relating thereto, paying yearly to William de Verdon and his heirs $\frac{1}{2}$ lb. of cummin for a certain toft. c. 1226-49.

Rogerus capellanus fecit in curia abbatis Cestrie Ernaldum de Aston et heredes suos assignatos de tota terra sua quam habuit in Aston, et cartas suas de eadem terra ei tradidit, reddendo annuatim domino Willelmo de Verdon et heredibus suis dimidiam libram cimini ad Natale Domini pro tofto iacente inter toftum Johannis de Verdon et Ricardum Curteys.³

- 178.** Quitclaim by Robert, son of Odo, to the abbot of Chester of all his right, etc., in the lands, etc., which Arnold his uncle held in Aston (upon Trent).

R[obertus]⁴ filius Odonis quietum clamauit abbati Cestrie totum ius et clamium suum in terris, tenementis et seruiciis que Ernaldus auunculus suus aliquando tenuit in villa de Aston.

- 179.** Quitclaim by Richard de Aston and Sara his wife to Roger, abbot of Chester, of all their right, etc., in six oxgangs of land in Aston (upon Trent) which Thomas, son of Arnold, once held and which were previously held by Roger the chaplain, etc. 1240-49.

Ricardus de Aston et Sara uxor sua quiete clamauerunt Rogero abbati Cestrie totum ius et clamium suum in vi bouatis terre in villa de Aston, quas Thomas filius Ernaldi aliquando tenuit,

¹ Dominica MS.

³ See Nos. 170, 174.

² "Attornacio" in heading.

⁴ Extended from the heading.

quarum vi prius Rogerus capellanus ii tenuit, et Rogerus filius Sewardi ii, et due alie erant de dominico W[illelmi] de Verdon.

See No. 167.

- 180.** Quitclaim by Matilda, daughter of Hugh de Weston, to the abbey of all her right, etc., in two oxgangs of land in Weston (upon Trent) which she claimed in the abbot's court by the king's writ *de recto*.

Matilda filia Hugonis de Weston quiete clamavit domui sancte Werburge Cestrie totum ius et clamium suum in ii bouatis terre in Weston quas clamavit versus abbatem Cestrie in curia sua per breue regis *de recto*.

- 181.** Obligation of Richard, son of Gilbert de Weston, and his heirs, by charter, to pay William, son of Lambert de Weston, 16s. yearly on June 24 as rent for twenty-four and a half acres of land in Weston (upon Trent) and a toft in Aston (upon Trent), and 1½*d.* to the lords of the fee. If he is a week in arrear he shall incur a fine of 2s. and pay the expenses of the messenger. ? *c.* 1230-50.

Ricardus filius Gilberti de Weston et heredes sui tenebantur per cartam suam reddere Willelmo filio Lamberti de Weston xvi solidos annuos ad festum sancti Johannis Baptiste de firma pro xxiiii acris terre et dimidia in Weston et vno tofto in Aston, et iii obolos dominis predicti feodi. Et si cessauerit a dicta solucione ad dictum terminum per viii dies, augebit ad penam ii solidorum, et expensas nuncii ultra terminum ratione tarde solucionis demorantis, si quem pro ea miserat, acquietabit.

- 182.** Quitclaim by Henry the smith of Shardlow (in par. of Aston-upon-Trent) to T[homas], abbot of Chester, of half a rood in the field of Aston (upon Trent) lying on Waringores. 1249-65 or 1291-1323.

Henricus faber de Schardelowe quiete clamavit T[home]¹ abbati Cestrie dimidiam rodam in campo de Eston, quam emit de Reginaldo filio Henrici, iacentem super Waringores.

See Nos. 186, 205.

¹ Thomas de Cupenhurst or Thomas de Burchells.

- 183.** Grant by John, son of Jeuenat, to the abbey of four oxgangs of land in Weston (upon Trent) after his death or entry into a hospital.

Johannes filius Ieuenat dedit ecclesie sancte Werburge in puram elemosinam iiii bouatas terre in Weston post decessum [f. 14 (11).] eius uel ingressum in hospitale.

- 184.** Acknowledgment by Hugh, son of Richard de Aston, that he rendered to the abbot of Chester common suit at his court of Weston (upon Trent) for two oxgangs of land in Aston (upon Trent). See Nos. 211-2. 1265-91.

Hugo filius Ricardi de Eston recognouit se dedisse Simoni abbati Cestrie communem sectam ad curiam suam de Weston pro ii bouatis terre quas de dicto abbate tenuit in Aston. Saluis nichilominus eidem abbati aliis seruiciis inde debit.

- 185.** Arrangement by which Suet de Pinchbeck and his heirs are to hold from the abbot two oxgangs of land, etc., in Aston (upon Trent), previously held of Robert, son of Thomas of Wilne, paying to the abbot 2s. yearly, which he paid to the said Robert for Chester carrying-service and all others, saving the external service due to the king ; but if any legitimate heir of Robert shall prove his right to the said money or other service, Suet shall pay only the $7\frac{1}{2}d.$ yearly to the abbot which he used to receive for the Chester carrying-service. (Cf. No. 300.) 1265-91.

Suetus de Pincebec et heredes sui tenebunt de abbate ii bouatas terre in Aston cum mesuagiis quas prius tenuit de Roberto filio Thome de Wilne, reddendo annuatim dicto abbati xii denarios in Annunciacione Dominica et xii in festo sancti Michaelis quos predicto Roberto soluere consueuit tam pro lada ¹ Cestrie quam pro omnibus aliis seruiciis, saluo forinseco seruicio domini regis. Ita tamen quod si aliquis legitimus heres dicti Roberti uel alius disracionare poterit versus dictum Suetum predictos solidos uel aliud sibi seruicium debitum iure hereditario, soluet tantum dictus Suetus abbati vii denarios annuos et obolum quos de dictis bouatis pro lada Cestrie annuatim percipere consueuit.

¹ See Neilson, *Customary Rents* (Oxford Studies in Social and Legal History, ii.), 63, 66.

- 186.** Quitclaim by Henry the smith of Shardlow (in par. of Aston-upon-Trent) and his wife to T[homas], abbot of Chester, of all the land which John the clerk gave them (No. 205) in Aston (upon Trent), viz. one acre in le Heed, and the service of half an acre at Mordichesende, and half an acre on Longerudinck', and one rood on Waringores. 1249-65 or 1291-1323.

Henricus faber de Schardlowe et Agnes uxor sua quiete clamauerunt T[home] abbati Cestrie totam terram quam Johannes clericus eis dedit in Aston; scilicet¹ vnam acram in le Heed, et seruicium dimidie acre ad Mordichesende, et dimidiam acram super Longerudinck',² et vnam rodam super Waringores.

- 187.** Acknowledgment by Emmeline, late wife of Hugh del Hulle of Aston, and Robert the chaplain his brother, etc., that the wardship of a virgate of land which Hugh held of the abbot in the field of Aston (upon Trent) along with the marriage of his heir is the right of the abbot, who the same day, after taking the homage of Edmund, son and heir of Hugh, released the wardship and marriage to the said Emmeline for a certain sum of money.

Emelina quondam uxor Hugonis del Hulle de Aston, et dominus Robertus capellanus frater ipsius Hugonis, et alii amici eius recognouerunt wardam cuiusdam virgate terre quam idem Hugo tenuit in campo de Aston de domino abbate Cestrie, vna cum maritagio heredis ipsius Hugonis esse ius dicti abbatis. Quo die recepto homagio Edmundi filii et heredis dicti Hugonis dictus abbas dimisit wardam dictam cum maritagio dicti Edmundi dicte Emeline matris sue pro quadam summa pecunia.

- 188.** Grant by Ralph, son of Roger, to St. Chad and St. Werburgh of two oxgangs of land in Aston and the whole tithe of his household, wherever it shall be, provided that whoever shall be parson of Frodsham shall find a chaplain to serve and reside there every day.

Radulphus filius Rogeri dedit sancto Cedde et sancte Werburge ii bouatas terre in Aston et totam decimam hospicii sui ubicunque fuerit, ita vt quicunque fuerit persona de Frodesham inueniet i capellandum ibi seruendum et residendum omnibus diebus ad honorem Dei et sancte Werburge.

¹ et MS.

² Longe Rid, No. 205.

The charter of which this is an abstract presents some difficulties. The compiler of the chartulary clearly thought that the oxgangs were in Aston (upon Trent). In that case, however, it seems strange that the rector of Frodsham should be required to find the chaplain. On the other hand, there is no Aston in Frodsham parish. Aston juxta Sutton is however near, and there was an early chapel there (Orm. i. 720). For a Ralph, son of Roger, who held land in the Derbyshire Aston see No. 208.

189. Grant by Robert the Hunter to the abbey of four oxgangs of land in Weston (upon Trent) which belonged to Erneis the Hunter.

Robertus venator dedit ecclesie sancte Werburge Cestrie quatuor ¹ bouatas terre in Weston, que fuerunt Hernesii venatoris.

190. Grant by Agnes Boydin, formerly wife of John del Hul, to abbot Geoffrey (?) of three acres of arable land in the field of Aston (upon Trent), one on Long Galewou, another on the Middlefield, and a third in the field towards the Trent.

Agnes Boydyn, quondam uxor Johannis del Hul, dedit G[alfrido] abbati Cestrie iii acras terre arabilis in campo de Aston, quarum vna iacet super Longum Galewou, et altera super le Middilfeld, et tercia in campo versus Trente.

As Agnes was living after 1265 (Nos. 198, 202) the initial of the abbot's name is apparently wrongly given.

191. Obligation by Arnold, son of W[illiam] de Verdon, under penalty of £40, to furnish Thomas, abbot of Chester, with every security for the twenty-seven oxgangs of land and four acres of meadow which he claimed from the said abbot by the king's writ of right in the county court of Nottingham, and the like for all other lands, etc., which the abbot obtained from his father. 1249-65.

Ernaldus filius W[illelmi] de Verdon iuramento et scripto obligauit se ipsum Thome abbati Cestrie sub pena xl librarum argenti quod omnimodam securitatem quam sibi prouidere voluerit in curia domini regis et extra tam super xxvii bouatis terre et quatuor acris prati quas petebat a dicto abbate per breue domini regis de recto in comitatu Notinghamie quam super omnibus aliis terris et possessionibus quas dictus abbas optinuit

¹ x bouate in the heading : quatuor in Earl Ranulf's confirmation (No. 146).

de patre suo eidem faciet de se et heredibus suis super expensis eius, et quod totam conuencionem inter dictum abbatem et se factum in comitatu Notinghamie penitus conseruabit et nullo contraueniet. Et si ipse uel heredes sui hanc conuencionem non obseruauerint dicte xl libre dicto abbati soluentur, aliter liceat illi in omnes terras dicti Ernaldi uel heredum suorum intrare et ad libitum possidere.

- 192.** Permission by Martin de Sibsey, rector of Weston (upon Trent), to Hugh, abbot of Chester, to build a chapel in his court at Weston, saving the rights of the mother church which the chaplains before celebrating are to swear to hold harmless. 1208-26.

Martinus de Cibecey rector ecclesie de Weston concessit et consensit quod Hugo abbas Cestrie construeret capellam in curia sua de Weston. Saluo in omnibus iure matricis ecclesie, set et capellani in eadem ecclesia deseruientes iurabunt antequam celebrent quod matricem ecclesiam indempnem pro posse suo conseruabunt.

Confirmed by Alexander, Bishop of Lichfield (No. 118). Martin when a clerk of Earl Ranulf had been presented to Weston by abbot Geoffrey between 1198 and 1208, reserving a pension of three marks (Harl. MS. 1994, f. 9 (266*d*)).

- 193.** Quitclaim by Arnold, son of W[illiam] de Verdon the younger, to T[homas], abbot of Chester, of the lands in Aston (upon Trent), Shardlow, and (Great) Wilne, which he demanded of him by writ of right in the county court of Nottingham (see No. 191); and of the capital messuage, etc., of W[illiam] de Verdon in Aston; with all other lands, etc., which he gave to the abbey in Aston, Shardlow, Wilne, and Morley. Arnold also confirmed the above possessions, and the abbot gave to him and his heirs three oxgangs in Aston and a messuage, etc., which Alice his mother formerly held in dower. Arnold not to alienate. 1249-65.

Ernaldus filius W[illelmi] de Verdon iunioris quiete clamauit T[home]¹ abbati Cestrie xxvii bouatas terre et iiii acras prati cum pertinenciis in Aston, Schardelowe, Wilne que exigebat ab eo per breue de recto in comitatu Notinghamie, necnon et totum capitale mesuagium quod fuit W[illelmi] de Verdon patris sui

¹ G[alfrido] MS. in obvious error.

in Aston cum omnibus aliis terris, redditibus, homagiis, villenagiis et seruiciis liberorum, wardis et releuiis, eschaetis, pratis, pascuis, boscis, planis et omnibus aliis rebus sine ullo retinemento, quas pater suus ecclesie sancte Werburge dedit uel quiete clamauit in Aston, Schardelowe, Wilne, Morleg'.¹ Necnon dictus Arnaldus omnes dictas possessiones confirmauit, vnde dictus abbas dedit sibi et heredibus suis iii bouatas in Aston et mesuagium cum tofto et crofto quod aliquando Alicia mater sua tenuit nomine dotis. Set alicui alienare datas sibi terras non poterit nisi abbati Cestrie; quod si fecerit, liceat abbati eas intrare et imperpetuum retinere.

- 194.** Quitclaim by Hugh, son of Robert de Chellaston, to the abbey and abbot Simon of his right in land in Wall Street in the town of Derby which Rugeram the doubler formerly held of the said abbey. 1265-91.

Hugo filius Roberti de Chellardston quiete clamauit ecclesie [f. 14d (111d).] sancte Werburge et Symoni abbati ius et clamium suum in tota terra iacente in Wallestrete in villa de Derby quam Rugeramus le Dubler aliquando de dicta ecclesia tenuit cum edificiis et pertinenciis.

- 195.** Grant by W[illiam] de Verdon the younger to God and the church of Aston and to maintain the lights of a rent of 2d. yearly which Thomas, son of Arnold, used to pay from lands which he held of the said W[illiam]. c. 1226-49.

W[illelmus] de Verdon iunior dedit Deo et ecclesie de Aston et ad luminaria sustinenda redditum ii denariorum, quos Thomas filius Ernaldi sibi soluere consueuit pro terris quas de dicto W[illelmo] tenuit vna cum homagio dictarum terrarum.

- 196.** Grant by W[illiam] de Verdon to the lamp of St. Katherine in the church of Aston of 2d. a year which Roger the chaplain owed to him (No. 174). c. 1226-49.

W[illelmus] de Verdon dedit lampadi sancte Katerine in ecclesia de Aston quendam annum redditum ii denariorum, quem Rogerus capellanus sibi debuit de terris quas de se tenuit vna cum homagio dictarum terrarum.

- 197.** Quitclaim by Stephen, son of Burga, to abbot Simon of a messuage in Wall Street, Derby. 1265-91.

¹ 4½ miles N.E. of Derby.

Stephanus filius Burge reddidit S[ymoni] abbati Cestrie vnum mesuagium cum suis pertinenciis in Wallestrete in Derby et hoc sibi imperpetuum et clam[auit ?].¹

- 198.** Quitclaim by Henry, son of Ellis, to abbot Simon of the homage, etc., of Agnes Boydyn for a plot which belonged to the chief messuage of W[illiam] de Verdon in Aston (upon Trent) with an acre in the field of Aston, and grant of $\frac{1}{2}d.$ a year from the rent of $17d.$ therefrom of which $16\frac{1}{2}d.$ was paid under the name of Lodesmur' (? for Lodesilver) to the abbot as chief lord (No. 168 ; cf. No. 185). 1265-91.

Henricus filius Elye quiete clamauit S[ymoni] abbati Cestrie homagium et seruicium quod Agnes Boydyn sibi facere tenebatur pro quadam placea que fuit de capitali mesuagio W[illelmi] de Verdon in Aston, vna cum acra vna terre arabilis in campo de Aston. Item dictus Henricus dedit vnum obolum annui redditus de illis xvii denariis quos de dicta placea et acra annuatim percepit, quorum xvi denarii et obolus dicto abbati capitali domino nomine Lodesmur' (?) soluebantur.

- 199.** Grant by Patrick de (? Chipping) Campden, son of Peter the clerk to the abbey, of all the land which he held of it in Castle Street, Chester, formerly belonging to Simon Poor, and the lordship of all the land which his sister Mathania held in Aston (upon Trent), and the lordship of Morflattes in Shardlow.

Patricius de Campedena filius Petri clerici dedit ecclesie sancte Werburge totam terram quam de ea tenuit in ciuitate Cestrie in vico castelli, que aliquando fuit Symonis pauperis, dominium tocius terre quam Mathania soror sua tenuit in Aston, et dominium terre sue in Schardelowe que vocatur Morflattes, cum omnibus pertinenciis, wardis, releuiis et eschaetis et seruiciis.

As the father of the donor was the well-known Peter the (earl's) clerk or chancellor, lord of Thornton le Moors and ancestor of the Le Roters or Rutters of that place and of Kingsley (see Nos. 200-1), this charter adds two names to the pedigree (Orm. ii. 15, 17). It may be noted that Peter le Roter of Thornton, grandson of Peter the clerk, made a grant of lands in the Castle Lane at Chester in 1274 (*ib.* ii. 15). For Patrick see also *Chest. Arch. Soc. Journ.* (N.S.) xiii. 98.

¹ So in MS. Query for quiete clamauit. The heading has Quieta clamacio.

200. Grant by abbot Geoffrey to (? Patrick, son of) Peter the clerk of the Earl of Chester, of two virgates in Aston (upon Trent) and the villeins who held it of him with their sequel, and part of his demesne, in exchange for the land of the said Peter on which his house was situated ; which lands the abbot gave to Philip de Orreby, and he gave them to Patrick (No. 201). 1194-1208.

G[alfridus] abbas Cestrie dedit Petro clerico¹ domini comitis Cestrie ii virgatas terre in Aston, quas Willelmus filius Suani et Symon filius Ardulphi de dicto abbate tenuerunt, et terram de dominico suo quam Willelmus filius Suani tenuit, quam dictus abbas concessit in escambium terre ipsius Petri clerici in qua domus sua sita fuit, necnon et ipsum Willelmum et Symonem filium Ardulphi cum tota sequela sua ; quas terras dictus abbas dedit domino Philippo de Orreby et quas idem Philippus dedit Petro.²

See note on No. 199 ; cf. also No. 139. Philip de Orreby, son of Herbert de Orreby of Gawsworth (*d.* 1194), was justice of Chester *c.* 1208-29 (*supra*, p. v.).

201. Grant by Philip de Orreby to Patrick, son of Peter the clerk, in the terms of the preceding charter, but reserving to himself an annual rent of 12*d.* and 1*lb.* of incense. 1194-1208.

Philippus de Orreby dedit Patricio filio Petri clerici ii virgatas terre in Aston quas Willelmus filius Suani et Symon filius Ardulphi tenuerunt ; necnon dictos Willelmum et Symonem cum tota sequela sua ; necnon et terram de dominico abbatis Cestrie quam dictus abbas dedit in escambium pro terra in qua aula Petri clerici sita fuit, quam Willelmus filius Suani tenuit, reddendo sibi annuatim xii denarios et i libram turis ad festum sancte Werburge in estate.

202. Grant by Henry Hotot to abbot Simon of the homage, etc., of Agnes de Boydin (Nos. 190, 198), wife of John del Hul for four oxgangs in Aston (upon Trent) which Henry her father held of William Hotot his father, and for two oxgangs which William de Repindon held of Agnes in Aston, with quitclaim of all right in the six oxgangs. 1265-91.

¹ Apparently a misreading of Patricio filio Petri clerici.

² *Rectius* Patricio.

Henricus de Hotot dedit S[ymoni] abbati Cestrie homagium et seruicium Agnetis de Boydin, uxoris Johannis del Hul, de quatuor bouatis terre in Aston, quas Henricus pater eius de Willelmo Hotot patre suo aliquando tenuit, et eciam de ii bouatis quas Willelmus de Repindon de dicto Agnete in eadem villa tenuit; necnon dictus Henricus quiete clamauit totum ius et clamium suum in dictis vi bouatis cum pertinenciis, warda, releuio, eschaetis, sectis curiarum, et omnibus approuiametis inde contingentibus.

203. Separate grant by Henry de Hotot of the two oxgangs conveyed in the preceding charter. 1265-91.

Henricus de Hotot dedit S[ymoni] abbati Cestrie homagium et seruicium Agnetis de Boydin, vxoris J[ohannis] del Hul de ii bouatis terre in Aston, quas Willelmus de Repindon de dicta Agnete tenuit; necnon dictus Henricus quiete clamauit totum ius et clamium suum in dictis bouatis cum omnibus pertinenciis, wardis, releuiis, eschaetis, sectis curiarum, et omnibus approuiametis inde contingentibus.

204. Separate grant by Henry de Hotot of the four oxgangs conveyed in No. 202. 1265-91.

Henricus de Hotot dedit S[ymoni] abbati Cestrie homagium et seruicium Agnetis Boydin de quatuor bouatis terre in Aston, quas de dicto Henrico tenuit cum omnibus approuiametis inde contingentibus.

205. Grant by John the clerk, son of Roger of Aston, to Henry the smith of Shardlow and Agnes his wife of nine roods in the field of Aston (upon Trent).

Johannes clericus, filius Rogeri de Aston, dedit Henrico fabro de Schardlowe et Agneti vxori eius ix rodas terre in campo de Aston, scilicet vnam acram in le Hed, et dimidiam acram ad Mordichende, et dimidiam acram super Longe Rid[ing], et vnam rodam in Warinmores,¹ reddendo sibi annuatim vnum denarium ad Natale Domini.

Henry gave the whole to the abbey after 1249 (No. 186).

206. Quitclaim by Hugh, son of Hugh, lord of Morley, to abbot S[imon] of his right in William de Thurchever and his

¹ *Rectius* Waringores.

sequel and their chattels, which William he reclaimed as his bondman by the king's writ in the county court of Derbyshire (see No. 239). 1265-91.

Hugo filius Hugonis, dominus de Morlega, quiete clamauit S[ymoni] abbati Cestrie totum ius et clamium suum in Willelmo de Thurcheuer et sequela sua et catallis eorum, quem in comitatu Derbeye per breue domini regis vt natium suum vendicauit.

207. Obligation of Robert de Dune to pay 2s. a year to the abbot of Chester at Weston (upon Trent) for two-thirds of the wood of Lime (in Shardlow. See No. 247).

Robertus de Dune tenetur soluere annuatim ad festum sancti [f. 15 (12).] Michaelis abbati Cestrie duos solidos argenti apud Weston pro duabus partibus bosci de Lima, quas de dicto abbate tenet.

208. Quitclaim by Thomas de Cumbe and Amicia his wife to the abbot of Chester of a messuage and four oxgangs which Ralph, son of Roger (cf. No. 188), once held in Aston (upon Trent), the abbot giving them 36 marks of silver; a final concord was made thereon in the king's court at Westminster.

Thomas de Cumbe et Amicia vxor eius quiete clamauerunt abbati Cestrie vnum mesuagium et iiii bouatas terre quas Radulphus filius Rogeri quondam tenuit in Aston, vnde dictus abbas eis dedit xxxvi marcas argenti, et fuit super hiis inter partes finalis concordia facta in curia domini regis apud Westmonasterium.

209. Grant by William, son of Lambert de Weston, to abbot Walter of eight acres (No. 145), paying to William Verdon gloves worth $\frac{1}{2}d.$ 1228-40.

Willelmus filius Lamberti de Weston dedit Waltero abbati Cestrie viii acras terre, reddendo inde annuatim Willelmo de Verdon quasdam cirotecas vnius oboli.

210. Quitclaim by Robert, son of Simon Franceys, to the abbey of four oxgangs in Aston (upon Trent), for which abbot Hugh gave him 8 marks and 5s. (Cf. No. 175.) 1208-26.

Robertus filius Symonis Franceys quiete clamauit ecclesie sancte Werburge iiii bouatas terre in Aston, vnde H[ugo] abbas Cestrie dedit sibi viii marcas et v solidos.

- 211.** Grant by Simon, son of Martin de Holbeach, in Holland (Co. Linc.) to abbot R[oger] of the homage, etc., of Hugh, son of Richard de Aston, for one virgate in Aston (upon Trent), with 16s. rent there. See No. 184. 1240-49.

Symon filius Martini de Holbeche in Holonde dedit R[ogero] abbati Cestrie homagium et totum seruicium quod Hugo filius Ricardi de Aston sibi facere tenebatur pro vna virgata terre quam idem Hugo de se tenuit in Aston, vna cum xvi solidis de dicta terra annuatim soluendis, necnon warda, releuiis, eschaetis et omnibus approuiametis.

- 212.** Quitclaim by Simon, son of Martin de Holbeach, to abbot Simon of the homage, etc., of H[ugh], son of Richard the clerk of Aston, for a toft and a virgate, etc. (as in No. 211); and confirmation thereof by William, son and heir of Simon, with Hugh's testimony to the payment of $1\frac{1}{2}d.$ yearly to the abbot as chief lord, in addition to the 16s. 1265-1291.

S[ymon] etc. quiete clamuit S[ymoni] abbati Cestrie homagium, et seruicium H[ugonis] filii Ricardi clerici de Aston quod sibi facere tenebatur pro vno tofto et vna virgata terre in Aston necnon redditum xvi solidorum inde soluendorum, cum warda, etc. Hanc eciam clamacionem Willelmus filius et heres dicti Symonis confirmauit, cuius confirmacio coniungitur cum carta patris sui. Item dictum homagium et seruicium [et] redditum ex assignacione dicti Symonis Hugo filius Ricardi de Aston testificabatur de solucione abbati Cestrie, necnon et denarium et obolum in festo sancti Johannis Baptiste annuatim reddidisse dicto abbati racione capitalis domini, preter dictum redditum dictorum xvi solidorum, quorum viii soluebat in festo sancti Johannis Baptiste et alios viii in festo beati Thome apostoli, et hec testificatio coniungitur cum precedentibus cartis.

- 213.** Grant by Ralph the clerk, son of Henry de Aston, to the abbot of the land he held of him in Aston (upon Trent), and note of an agreement on this and other land before the itinerant justices at Derby, with the confirmation of William, son of Ralph. 1252-74.

Radulphus clericus filius Henrici de Aston dedit abbati Cestrie totam terram quam habuit in villa de Aston, quam de eo tenuit, cum omnibus pertinenciis, necnon coram Gilberto de

Preston et sociis eius, iusticiariis apud Derby itinerantibus super predicta terra et aliis inter partes quedam conuencio facta fuit, et eciam Willelmus filius dicti Radulphi predictam donacionem carta sua confirmauit, que quidem conuencio et confirmacio iunguntur cum predicta carta.

The date lies between the year when Gilbert de Preston's name first heads a list of itinerant justices and his death in 1274 (Foss, *Dict. of the Judges of England*, 537).

214. Grant by Ellis, son of Thomas de Weston, to Thomas his son of the old garden of his toft and two oxgangs in the territory of Weston (upon Trent) and all his land in that vill, except two oxgangs next the parson's land and three acres which Ellis gave to his daughter Matilda, with the meadow belonging to the land given to Thomas, namely one and a quarter acres in Mucheledale, Holmdale, and Sotindale, and an "acrewast," paying a rent of 5s.

Helyas filius Thome de Weston dedit Thome filio suo vetus gardinum de tofto suo extensum a via que ducit a domo dicti Elye ad domum persone et ii bouatas terre in territorio de Weston, et cum tota terra quam in dicta villa tenuit, preter ii bouatas iacentes iuxta terram persone et iii acras quas dictus Helyas dedit Matilde filie sue, cum prato ad dictam terram quam Thome dedit pertinente, scilicet dimidiam acram in Mucheledale, et dimidiam acram in Holmdale, et vnam rodam in Sotindale, iacentes in pratis iuxta Alanum cum vna acreswast iacente iuxta Helyam del Hull', reddendo annuatim sibi et heredibus suis v solidos per equales porciones, scilicet ad Annunciacionem Dominica[m] et ad festum sancti Michaelis.

215. Grant by Thomas, son of Ellis de Weston, to Isolda, daughter of Henry his brother, of the plot in Weston (upon Trent) which his father gave him, and sixteen acres of arable and five and a half roods of meadow, paying to Henry and his heirs 5s. 8d. a year, and to Thomas and his heirs a peppercorn at Christmas.

Thomas filius Elye de Weston dedit Ysolde filie Henrici fratris sui totam placeam suam in Weston quam pater suus ei dedit, et xvi acras terre arabilis, et v rodas prati et dimidiam, et reddendo inde annuatim Henrico fratri suo et heredibus suis v solidos et viii denarios ad Annunciacionem Dominicam et

ad festum sancti Michaelis per equales porciones et sibi Thome predicto et heredibus suis vnum granum piperis ad Natale Domini.

- 216.** Quitclaim by T[homas], son of Ellis de Weston, to abbot Simon of his right, etc., in all his land in Weston (upon Trent) which the abbot held from him at the time of the drawing up of the present writing, saving the services due to the chief lords. 1265-91.

T[homas] filius Elye de Weston quiete clamavit S[ymoni] abbati Cestrie totum ius et clamium suum in tota terra in Weston quam dictus abbas tempore confeccionis presentis scripti de se tenuit, saluis capitalibus dominis seruiciis inde debitis.

- 217.** Quitclaim by Thomas, son of Ellis de Weston, to abbot S[imon] of six acres of arable land in the territory of Weston (upon Trent). 1265-91.

Thomas filius Elye de Weston quiete clamavit S[ymoni] abbati Cestrie vi acras terre arabilis in territorio de Weston.

- 218.** Quitclaim by T[homas], son of Ellis de Weston, to abbot Simon of twenty-two acres of arable land in the fields of Weston (upon Trent) and five and a half roods of meadow, with messuage and toft, paying 5s. 8d. yearly to his brother Henry. 1265-91.

T[homas] filius Elye de Weston quiete clamavit S[ymoni] abbati Cestrie xxii acras terre arabilis in campis de Weston, et v rodas et dimidiam prati, cum mesuagio et tofto dicte terre pertinentibus in dicta villa, reddendo annuatim Henrico fratri suo v solidos et viii denarios ad Annunciacionem Dominicam et ad festum sancti Michaelis per equales porciones.

[f. 15d (12d).]

- 219.** Grant by Henry, son of Ellis de Weston, to T[homas], abbot of Chester, of three selions between the "clives" in the territory of Weston (upon Trent), and a headland on Morshul, and half a rood on Pastineslond' in the territory of Aston (upon Trent), and 5d. of yearly rent, in exchange for three selions in Tachemedwe in the territory of Weston. ? 1249-65.

Henricus filius Elye de Weston dedit T[home] abbati Cestrie iii selliones inter cliues in territorio de Weston iuxta culturam

abbatis, et vnam foreram super Morshul, et dimidiam rodam super Pastineslond' in territorio de Aston, et v denarios annui redditus quas Willelmus de Verdon sibi reddere consuevit. Hec dictus Henricus quiete clamauiit in escambium pro iii sellionibus in Tachemedwe in territorio de Weston sub crofto dicti Henrici.

- 220.** Quitclaim by Henry, son of Ellis, to his brother Thomas of all the land which his father gave him.

Henricus filius Elye quiete clamauiit Thome fratri suo totam terram cum pertinenciis quam pater suus ei dedit.

- 221.** Quitclaim by Henry, son of Ellis de Weston, to abbot S[imon] of four acres in the field of Weston (upon Trent) bought from his brother Thomas, and of all his right, etc., in twenty-two acres of arable land and five and a half roods of meadow, with a messuage and toft which the said Thomas gave to the said abbot (No. 218) ; for this the abbot released to Henry 5s. 4d. of a mark which he was bound to pay yearly to him for his land in Weston, and suit at the court of Weston, saving two appearances yearly for the view of frankpledge at the two great courts of Weston. 1265-91.

Henricus filius Elye de Weston quiete clamauiit S[ymoni] abbati Cestrie iiii acras terre arabilis in campo de Weston quas emit de Thoma fratre suo. Item quiete clamauiit totum ius et clamium suum in viginti ii acris terre arabilis et v rodīs prati et dimidia cum vno mesuagio et tofto que dictus Thomas dicto abbati dedit cum omnibus pertinenciis, wardis, releuiis, eschaetis et omnibus approuiamētis. Pro hac quietā clamacione dictus abbas remisit dicto Henrico et heredibus suis v solidos et iiii denarios de vna marca quam dicto abbati pro terra sua de Weston annuatim soluere tenebatur, et sectam ad curiam de Weston, saluis ii apparenciis per annum visus franci plegii ad ii magnas curias de Weston.

- 222.** Quitclaim by William, son of Arnold de Verdon, to abbot T[homas] of all his right, etc., in a plot of land, etc., which William de Derby took for the term of his life at Aston (upon Trent). 1249-65 or 1291-1323.

Willelmus filius Ernaldi de Verdon quiete clamauiit T[home] abbati Cestrie totum ius [et] clamium suum in quadam placea

terre cum edificiis suis quam Willelmus de Derby cepit ad terminum vite sue in Aston.

- 223.** Quitclaim by W[illiam], son of Arnold de Verdon, to William de Derby of a plot of land for ever which William had before taken for his life of the said W[illiam] de Verdon. 1250-1300.

W[illelmus] filius Ernaldi de Verdon quiete clamavit quandam placeam terre Willelmo de Derby imperpetuum quam idem Willelmus prius ceperat ad terminum vite sue de dicto W[illelmo] de Verdon.

- 224.** Quitclaim by William de Verdon, kt., to abbot H[ugh] of the whole park of Morley for twenty marks. 1208-1226.

Willelmus de Verdon miles ex assensu heredum suorum quiete clamavit H[ugoni] abbati Cestrie totum parcum suum de Morlega pro xx marcis, quod de dicto abbate tenuit.

- 225.** Grant by W[illiam] de Verdon, kt., to W[illiam] his son, in the court of the abbot of Chester, of the whole park of Morley as his inheritance. 1208-26 (?).

W[illelmus] de Verdon miles dedit et reddidit W[illelmo] filio suo in curia abbatis Cestrie totum parcum suum de Morlega sicut hereditatem suam.

- 226.** Confirmation by W[illiam], son of W[illiam] de Verdon, of the sale and quitclaim of the park of Morley by his father to abbot H[ugh]. 1208-26.

W[illelmus] filius W[illelmi] de Verdon confirmavit vendicionem et quietam clamacionem W[illelmi] patris sui quam fecit H[ugoni] abbati Cestrie super parco de Morlega.

- 227.** Grant by Richard, lord of Morley, to the abbot of Chester and his tenants of licence to dig and take marl in his lands of Morley, Smalley, and Kidsley, with free passage for the marl-carts. (Cf. Nos. 242-3.)

¹ Ricardus dominus de Morleye dedit abbati Cestrie et eius tenentibus plenam licenciam et liberam potestatem fodiendi et

¹ In the margin at the bottom of fol. 15b. In text of Harl. MS. 2062.

capienti marlam in omnibus marleris suis factis et faciendis in omnibus terris suis Morleye, Smalleye et Kidesleye, pro tota terra sua in dictis villis quandocunque voluerint marlanda, cum libera via carectarum marlam a dictis marleris cariancium per totam terram suam infra villas antedictas.

- 228.** Sale and quitclaim by W[illiam], son of W[illiam] de Verdon, to abbot H[ugh] of Morley Park for twenty marks. (See Nos. 224-6.) 1208-26.

W[illelmus] filius W[illelmi] de Verdon vendidit et quiete clamavit H[ugoni] abbati Cestrie pro xx marcis totum parcum de Morlega quod pater suus ei reddidit in curia abbatis sicut hereditatem suam.

- 229.** Quitclaim by Geoffrey le Hoxne to abbot Roger of his right or common in Morley for one mark. 1240-49.

G[alfridus] le Hoxne quiete clamavit Rogero abbati Cestrie totum ius suum uel communam in parco de Morley pro i marca.

- 230-38.** Quitclaims identical in form with No. 229, the first four to abbot Roger¹ (1240-49) and the rest to abbot Thomas I. (1249-65), by the following: Roger, son of Ralph de Morley; Gilbert de Masci de Morley; Milisande Le Lu; Gilbert de Aston; Richard de Beleton and Hawise his wife; Robert the chaplain, son of Nigel de Morley; William de Wodecote; Nicholas Le Lou de Morley; Richard, son of Gilbert.

- 239.** Quitclaim by Hugh, son of Hugh de Morley, to abbot Roger of his right or common in Morley Park or in its assarts. 1240-49.

Hugo filius Hugonis de Morlega quiete clamavit Rogero abbati Cestrie totum ius suum vel communam in parco de Morlega vel in eius parci assartis. (Carta terre Hugonis de Morlega quam emit de Ricardo clerico Aston.)²

Isoult, third daughter and coheir of Robert son of Walter (No. 247), married Hugh, son of Philip de Derby. Their son was the first Hugh de Morley. Hugh's son and grandson bore his name, and the

¹ Harl. 2062 carelessly attributes these (and 229) to abbot Robert.

² The words in brackets are dotted underneath and crossed through with the pen in the MS.

latter left a daughter Joan, who was ward to the abbot of Chester in 1276 (Harl. MS. 2148, f. 43 (58), and No. 246).

- 240.** Quitclaim by Hugh de Morley to abbot Walter of his right, etc., in Morley Park which he claimed by reason of thirty acres of land of the said park concerning which he brought a writ of novel disseisin, and in a plot called Ermiteleges, for 33s. 4d. 1228-40.

Hugo de Morlega quiete clamauit Waltero abbati Cestrie totum ius suum vel communam in parco de Morlegh quam vendicauit racione xxx acrarum terre de dicto parco super quibus tulit breue noue dissaisine, et in vna placea que vocatur Ermiteleges, pro xxxiii solidis, iiii denariis.

- 241.** Grant by Hugh, son of Hugh de Morley, to abbot S[imon] of free entrance and exit to his mines of sea coals in Morley and Smalley over all his lands there, except corn and meadow, for all sellers and buyers of coals with any kind of vehicle. 1265-76.

Hugo filius Hugonis de Morleye concessit et confirmauit S[ymoni] abbati Cestrie liberum introitum et exitum ad mineras suas carbonum de mari vbicunque in terra sua de Morleye et Smalleye inuentas, per omnes terras suas in Morleye et Smalleye exceptis bladis et pratis, omnibus venditoribus et emptoribus carbonum quocunque vehiculo vtentibus.

- 242.** Quitclaim by Richard, son of Hugh de Morley, to abbot S[imon] of all his right in the homages and suit of his court of Morley, an external service of 6d. and fidelity, etc. Nevertheless the abbot shall pay 4s. yearly to Richard. 1285.

Ricardus filius Hugonis de Morlega quiete clamauit S[ymoni] abbati Cestrie totum ius suum in homagiis et secta curie sue de Morlega, vno forensico¹ seruicio vi denariorum, et fidelitate, pro quodam annuo redditu iiii solidorum, quod alico tempore dictus Ricardus a dicto abbate exigebat de toto tenemento quod de se tenuit in Smalleye. Tamen dictus abbas reddet dicto Ricardo annuatim iiii solidos ad Annunciacionem Dominica[m] et ad festum sancti Michaelis per equales porciones.²

¹ frecingo MS.

² In the margin is the entry: Hos iiii solidos dictus Ricardus quiete clamauit anno domini m^occc^ox^o.

243. Agreement between the abbot of Chester and Richard, son of H[ugh] de Morley, on various matters in dispute: Richard and his heirs in Morley, Kidsley, and Smalley to make two yearly appearances in the abbot's great courts at Weston (upon Trent), Richard also granting free passage for carting coals (as in No. 241), and quitting homages, etc. (as in No. 242). The abbot granted to Richard two acres in the field of Morley in an assart called Saxesichis. 1285.

¹ Conuenit inter abbatem Cestrie et Ricardum filium Hugonis de Morley inter quos super diuersis articulis suborta fuit materia questionis, anno domini M^oCC^oLXXXV^{to}, quod dictus Ricardus et heredes sui et homines sui in Morlega, Kideslega et Smallega [f. 16 (13).] facient annuatim duas apparencias ad duas magnas curias abbatis Cestrie apud Weston, prout fieri consueuerunt tempore Hugonis patris dicti Ricardi, et dictus Ricardus concessit iter liberum ad cariacionem carbonum, prout in hoc scripto et in alio a dicto Hugone confecto continetur. Item dictus Ricardus quiete clamauit homagia et sectas curie et fidelitatem et vi denarios annuos, prout in hoc et in alio scripto a dicto Ricardo confectis continetur. Dictus abbas concessit dicto Ricardo et heredibus suis ii acras terre in campo de Morlega in quodam assarto quod vocatur Saxesichis, prout in scripto² feofamenti apercius continetur.

244. Grant by abbot G[eoffrey] to Richard, son of Robert, for the term of his life of ten oxgangs in Maltby (by Raithby, co. Lincoln) of the Chester fee, at an annual rent of 20s. This agreement was made in the court of Earl R[anulf], at Bolingbroke, in the presence of the earl. 1194-1208.

G[alfridus abbas] Cestrie tradidit ad firmam Ricardo filio Roberti ad terminum vite sue x bouatas terre in Malteby, de feodo comitis Cestrie, cum suis pertinenciis, reddendo annuatim xx s ad festum sancti Michaelis. Hec conuencio fuit facta in curia R[anulphi] comitis [apud]³ Bulingbroc, comite presente, et est super hiis duplex scriptum siue conuencio cirographata inter partes, et alia testificatio dicti Ricardi de tenore conuencionis.

For the gift of these ten oxgangs to the abbey by Earl Hugh I. see above, p. 30.

¹ Called a final concord in the heading.

² "hic" is here written and deleted.

³ Supplied from Harl. 2062.

- 245.** Quitclaim by Richard, son of Walter de Coventry, to abbot Simon of all his right, etc., in a moiety of ten oxgangs which his father held of the said abbot in Maltby, Raithby, and Tathwell, for which the abbot granted to Richard and his heirs to hold the other moiety of the ten oxgangs from the abbey by the free service of two marks, the abbot to give his aid in a plea for the recovery of the ten oxgangs from Peter de Lekeburne, etc., at his own expense, except the expenses of the body of the said Richard and a champion. He will, however, bear half the expenses of the champion if one is employed. 1265-91.

Ricardus filius Walteri de Couentria quiete clamavit Symoni abbati Cestrie totum ius et clamium suum in medietate x bouatarum terre quas Walterus pater suus tenuit de dicto abbate in Malteby, Reyceby, et Taweale, vnde dictus abbas concessit dicto Ricardo et heredibus suis quod teneant aliam medietatem dictarum x bouatarum de ecclesia sancte Werburge per liberum seruicium duarum marcarum, sicut continetur in carta dicti Ricardi de totis predictis x bouatis; et insuper quod dictus abbas auxilium et alia ad placitum pertinentia ad predictas bouatas acquirendas de Petro de Leburne et aliis dictam terram tenentibus, sumptibus propriis inueniet, exceptis sumptibus corporis dicti Ricardi et pugilis; medietatem tamen sumptus pugilis dictus abbas sustinebit, si contingat pugilem habere.

Walter de Coventry was steward of the Earl of Chester in co. Lincoln in 1200 and 1211 (*Abbrev. Plac.* 25, 68), and is mentioned in 1242 as holding lands in Ashby, Thurlby, Bilsby, etc., of the fees of Chester and Ferrers (*Testa de Nevill*, 305, 309b). At the same date Peter de Leburne or Lekeburn was tenant of a knight's fee in Tathwell, Coningsholm, and Hallington,¹ and of one and three-quarters knights' fees and an oxgang in Raithby (*ib.* 309, 329b, 333). He is not, however, recorded as holding any part of Maltby. See also Close R. September 12, 1233.

- 246.** Agreement in a suit begun between abbot S[imon] and Sir Ralph de Cromwell and Amice, formerly wife of Hugh de Morley the younger, that the wardship of Hugh's lands and the marriage of Joan his daughter and heir shall remain to Amice and her present husband William de Adderley (?), whom she had married during the suit; they for this peace bound themselves to the abbot in forty marks of silver. 1276-91.

¹ All three are close to Louth.

Cum mota fuit controuersia inter S[ymonem] abbatem Cestrie et dominum Radulphum de Crombewell' et Amiciam quondam uxorem Hugonis de Morleye iunioris super warda terrarum dicti Hugonis et maritagio Johanne filie et heredis dicti Hugonis, tandem sic conuenerunt, videlicet quod warda dictarum terrarum cum maritagio dicte¹ Johanne dicte Amicie et Willelmo de Adredelega, qui dictam Amiciam post litem motam duxit in uxorem, in pace remanerent, et dictus Willelmus et Amicia pro dicta pace habenda dicto abbati se obligauerunt in xl marcis argenti. Nec tamen ista compositio obstabit quin vtraque pars in simili casu alias contingente in dictis terris ius suum poterit vindicare.

The suit seems to have begun in 1276 (Harl. MS. 2149, f. 133 (123)). Cf. No. 239 *n.*, and Nos. 227, 242-3.

247. Grant by Robert, son of Walter, to the abbey of his right in the advowson of the church of Morley, Robert de Hastings being then abbot of Chester. 1186-94.

Robertus filius Walteri dedit ecclesie sancte Werburge quicquid iuris habuit vel antecessores sui in advocacione ecclesie de Morleye, R[oberto] de Hasting' tunc abbate Cestrie.

See note to No. 131 and *Pipe R.* 29 Hen. II. 89. The abbey's right to the advowson was recognised before the king's justice by Robert's descendant, Hugh de Morley, on July 28, 1275 (Harl. MS. 2148, f. 43 (58)).

248. Grant by W[illiam] de Verdon the elder to abbot Walter of four oxgangs in Shardlow (par. Aston-upon-Trent), with Henry, son of Hawise, and his sequel, etc., and two-thirds of Lyme Wood, with the whole service of the free tenants, for nineteen marks. (Cf. No. 131 *n.*) 1228-40.

W[illelmus] de Verdon² dedit Waltero abbati Cestrie quatuor bouatas terre in Schardelowe quas Henricus filius Hawisie tenuit, et ipsum Henricum cum tota sequela sua et catallis, et duas partes bosci de Lyme, sicut eas habuit, cum toto seruicio libere tenencium pro xix marcis.

249. Quitclaim by W[illiam] de Verdon the elder to W[illiam] his son and heir of four oxgangs in Shardlow, etc. (as in No. 247).

¹ dicto MSS.

² The heading adds senior.

W[illelmus] de Verdon senior quiete clamauit W[illelmo] filio suo et heredi quatuor bouatas in Schardelowe, etc. [as in No. 248 down to tenencium, omitting the purchase money].

- 250.** Grant by W[illiam] de Verdon the younger to abbot Walter of four oxgangs in Shardlow, etc. (as in the last preceding charter but one (No. 248)), for twenty-eight marks. 1228-1240.

W[illelmus] de Verdon iunior dedit Waltero abbati Cestrie quatuor bouatas terre in Schardelowe etc., sicut in penultima carta precedente, pro xxviii marcis.

- 251.** Quitclaim by Ranulf, son of Richard de Weston, to abbot Thomas (? II.) of his right, etc., in a messuage and four oxgangs, with a toft, croft, and one acre of meadow in Weston (upon Trent), and four and a half acres of land and one of meadow in Shardlow. ? 1291-1323.

R[anulphus] ¹ filius Ricardi de Weston quiete clamauit Thome abbati Cestrie totum ius et clamium suum in vno mesuagio et quatuor bouatis terre, cum vno tofto, vno crofto, et vna acra prati in Weston cum pertinenciis, et in quatuor acris et dimidia terre et vna acra prati cum pertinenciis in Schardelowe.

- 252.** Quitclaim by R[anulf], son of Richard de Weston, to abbot S[imon] of his right, etc., in three roods of arable land in the fields of Weston (upon Trent), viz. in the two acres which he before gave to the said abbot (No. 254), and which his mother Agnes held in dower. 1265-91.

R[anulphus] filius Ricardi de Weston quiete clamauit S[imoni] abbati Cestrie totum ius et clamium suum in tribus rodīs terre arabilis in campis de Weston contentis, videlicet in illis duabus acris quas prius dicto abbati dedit, quas Agnes mater sua nomine dotis tenuit.

- 253.** Quitclaim by R[anulf] de Weston to abbot S[imon] of three acres of land in Weston (upon Trent) for which R[anulf] received 40s. 1265-91.

R[anulphus] filius Ricardi de Weston quiete clamauit S[ymoni] abbati tres acras terre in Weston, vnde idem R[anulphus] recepit xl solidos.

¹ Extended from the heading.

254. Quitclaim by R[anulf], son of Richard de Weston, to abbot S[imon] of two acres of land in Weston (upon Trent), of which one lies near the abbot's tillage on Balilondes to the south, and the other on Bradeford Hul to the south. 1265-91.

R[anulphus] filius Ricardi de Weston quiete clamauit S[ymoni] abbati Cestrie ii acras terre in Weston, quarum vna iacet iuxta culturam abbatis super Balilondes, ad austrum, alia super Bradeford Hul ad austrum.

255. Quitclaim identical with No. 253 ("de aliis iii acris" in heading).

256. Quitclaim by R[anulf], son of Richard de Weston, to abbot S[imon] of one acre of meadow in Weston (upon Trent) which his mother Agnes once held in dower, for which he received two marks and 2*d.* 1265-91.

R[anulphus] filius Ricardi de Weston quiete clamauit S[imoni] abbati Cestrie vnam acram prati in Weston quam Agnes mater sua quondam tenuit nomine dotis, vnde idem R[anulphus] recepit ii marcas et ii denarios.

Cf. No. 252.

257. Grant¹ by R[anulf], son of Richard de Weston, to abbot S[imon] of the homage, etc., which Helena and Christiana, daughters of Henry, son of Martin, were bound to do to him for a toft in Aston (upon Trent) which William le Palmer once held of William, son of William de Verdon. 1265-91.

R[anulphus] filius Ricardi de Weston dedit S[ymoni] abbati Cestrie homagium et seruicium vi denariorum que Helena et Christiana filie Henrici filii Martini sibi facere debuerant de vno tofto in Aston, quod Willelmus le Palmere quondam tenuit de Willelmo filio Willelmi de Verdon.

258. Quitclaim by R[anulf], son of Richard de Weston, to abbot S[imon] of a toft and croft in Weston (upon Trent) for 2*s.* 1265-91.

R[anulphus] filius Ricardi de Weston quiete clamauit S[ymoni] abbati Cestrie vnum toftum et croftum in Weston que iacent

¹ Quia clamacio in heading.

[f. 16*d* (13*d*).] inter terram quam Thomas Dom tenuit et terram quam Willelmus Hutedred tenuit, pro xxvi solidos.¹

- 259.** Quitclaim by Ranulf, son of Richard de Weston, to abbot S[imon] of three acres of land in the territory of Weston (upon Trent), for which Ranulf received a sum of money. 1265-91.

Ranulphus filius Ricardi de Weston quiete clamauit S[ymoni] abbati Cestrie iiii acras terre in territorio de Weston, unde idem Ranulphus recepit quamdam summam pecunie.

- 260.** Quitclaim by R[anulf], son of Richard de Weston, to abbot S[imon] of an acre of land in the territory of Weston (upon Trent), of which half lies on Elmishul, one rood on Smaledale, and another rood towards Copyornhul, for 20s. 1265-91.

R[anulphus] filius Ricardi de Weston quiete clamauit S[ymoni] abbati Cestrie vnam acram terre in territorio de Weston, cuius dimidia iacet super Elmishul, et vna roda super Smaledale, et alia roda versus Copyornhul, pro xx solidis.

- 261.** Quitclaim by R[anulf], son of Richard de Weston, to abbot S[imon] of ingress and pasture for the support of six draught beasts, which he used to have in the pasture of Couholm, for 60s. 1265-91.

R[anulphus] filius Ricardi de Weston quiete clamauit S[ymoni] abbati Cestrie ingressum et pasturam ad sustentacionem vi aueriorum que in pastura de Couholm tempore herbagii habere consuevit, pro lx solidis.

- 262.** Quitclaim by R[anulf], son of Richard de Weston, to abbot S[imon] of three acres of land in the territory of Weston (upon Trent) for 5 marks. 1265-91.

R[anulphus] filius Ricardi de Weston quiete clamauit S[ymoni] abbati Cestrie tres acras terre in territorio de Weston, pro v marcis.

- 263.** Obligation of R[anulf], son of Richard de Weston, on pain of distress upon all his goods, to pay to the abbot of Chester 2s. 6d. yearly for twenty acres of land in Weston (upon

¹ xxvi s iiii d in heading (and Harl. 2062).

Trent) which he delivered to the abbot for the term of twenty years and for which he is to receive the third sheaf.
? 1265-91.

R[anulphus] filius Ricardi de Weston obligavit se et heredes suos districtioni abbatis Cestrie per omnia bona sua mobilia et immobilia vbicunque inuenta siue infra manerium de Weston siue extra in ii solidis et vi denariis ad Annunciacionem Dominicam et ad festum sancti Michaelis annuatim per equales porciones soluendis pro xx acris terre in Weston quas dicto abbati ad terminum xx annorum tradidit pro tercia garba recipienda.

264. Quitclaim by R[anulf], son of Richard de Weston, to abbot S[imon] of all his right, etc., in all lands and tenements which ever belonged to him or his father or any of his ancestors in Weston. 1265-91.

R[anulphus] filius Ricardi de Weston quiete clamavit S[ymoni] abbati Cestrie totum ius et clamium suum in omnibus terris et tenementis que fuerunt sua alico tempore vel Ricardi patris sui uel alicuius antecessoris sui in Weston.

265. Quitclaim by Ranulf, son of Richard de Weston, to Thomas (II.), abbot of Chester, of all his right, etc., in the homage etc., of the heirs of Henry Master and in 6*d.* worth of yearly rent from them and from a croft in Aston (upon Trent) which William le Palmer once held (No. 257), and in the pasture of Couholm for six draught beasts (No. 261). 1291-1323.

Ranulphus filius Ricardi de Weston quiete clamavit Thome abbati Cestrie totum ius et clamium suum in homagio et seruicio heredum Henrici Magistri, et in vi denariatis annui redditus de eisdem annuatim percipiendis et de vno tofto in Aston quod Willelmus le Palmere aliquando tenuit, et totum ius et clamium suum in pastura de Couholm ad vi aueria cum omnibus pertinentiis.

266. Grant by Sybil, formerly wife of William Wilde, in her free widowhood to abbot William (Marmion) of all her land in the manor of Smalley as her free marriage portion, viz. one-fourth of the said manor: a final concord was made thereon in the king's court at Nottingham. 1226-1228.

Sibilla quondam uxor Willelmi Wildi in libera viduitate dedit Willelmo abbati Cestrie totam terram suam in manerio de Smalleya, sicut suum liberum maritagium, videlicet quartam partem eiusdem manerii cum pertinenciis, et super hoc facta fuit finalis concordia in curia regis apud Notingham.

See No. 274.

- 267.** Grant by W[illiam] de Verdon the younger to abbot Walter of his right in the land called Schotstroyndegrene below the vill of Shardlow, quitclaim of 4*d.* rent from two oxgangs formerly Roger Chancellor's, and grant of two natives with their sequels. 1228-40.

¹W[illelmus] de Verdon iunior dedit Waltero abbati Cestrie totum ius suum in illa terra que vocatur Schotstroyndegrene cum pertinenciis sub villa de Schardlow. Item quiete clamauit redditum quatuor denariorum de ii bouatis quas Rogerius Cancellarius aliquando tenuit; dedit etiam Robertum filium Broun et Petrum fratrem eius cum omnibus sequelis suis et catallis.

- 268.** Quitclaim by W[illiam] de Verdon the younger to abbot Walter of the service of William de Audley and Clemence his wife, namely 12*d.* yearly from the lands they held of him in Shardlow, and the service of Agnes, daughter of Robert le Archer, namely 2*s.*, and of Richard, son of Alwine, namely 12*d.*, from their tenements there, and the service of Hugh de Gurney which he used to do from his tenement there. 1228-40.

W[illelmus] de Verdon iunior quiete clamauit Waltero abbati Cestrie totum seruicium Willelmi de Audithlega et Clemencie uxoris sue, scilicet xii denarios annuos de tenemento quod de se tenuerunt in Schardelowe, et totum seruicium Agnetis filie Roberti le Archer, scilicet ii solidos annuos de tenemento suo in eadem villa, et totum seruicium Ricardi filii Alwini, scilicet xii denarios de tenemento suo in eadem villa, et totum seruicium Hugonis de Gurney quod sibi facere consueuit de tenemento suo in eadem villa cum omnibus commoditatibus et pertinenciis.

In the heading the three tenants are called "libere tenentes" (cf. No. 273).

¹ A red cross in the margin opposite this entry.

- 269.** Grant by Robert, son of William de Elvaston, to abbot H[ugh] of all his land in Smalley (cf. Nos. 266, 274). 1208-26.

Robertus filius Willelmi de Ailwaston dedit H[ugoni] abbati Cestrie totam terram suam in Smallega.

- 270.** Quitclaim by Thomas, son of William Palmer, of Ratcliffe, to abbot Walter of his right in four oxgangs in Shardlow which William the serjeant held and which he claimed from him by writ of right in the abbot's court. 1228-1240.

Thomas filius Willelmi Palmerii de Radecliue quiete clamauit Waltero abbati Cestrie totum ius suum in quatuor bouatis terre cum pertinenciis in Schardelowe quas Willelmus seruiciens tenuit et quas per breue de recto in curia dicti abbatis ab eodem petiit.

- 271.** Quitclaim by Ranulf, son of Richard de Weston, to T[homas], abbot of Chester, of his right in four acres of arable and an acre of meadow in the territory of Shardlow. ? 1291-1323.

Ranulphus filius Ricardi de Weston quiete clamauit T[home] abbati Cestrie totum ius suum in quatuor acris terre arabilis et vna acra prati in territorio de Schardelowe.

- 272.** Agreement between abbot Roger and Hugh, son of Hugh de Morley, who gave to the abbot three acres of land in Smalley, and nine in Morley, being the new assart between the land of Henry the clerk and the sicheit at Smalleysty (without rights of common in Hugh's other lands), and quitclaimed his right in Morley Park. The abbot allowed Hugh to make new and hold old assarts in the wood and commons of Smalley. Saving to the abbot and his tenants sufficient pasture, etc. 1240-49.

Conuenit inter Rogerum abbatem Cestrie et Hugonem filium Hugonis de Morley, scilicet dictus Hugo dedit dicto abbati iii acras terre in Smallega cum pertinenciis, et ix acras in territorio de Morley, scilicet totum assartum nouum inter terram Henrici clerici et the sicheit ad Smalleysty cum pertinenciis, nec poterit dictus abbas racione dicti assarti aliquam communiam in aliis terris dicti Hugonis in Morley exigere. Item dictus Hugo quiete

clamauit totum ius suum in parco de Morley cum omnibus pertinenciis. Dictus abbas concessit dicto Hugoni quod possit assartare de nouo et vetus assartatum tenere in bosco et communis de Smalley. Saluis tamen dicto abbati et suis tenentibus sufficientibus et rationabilibus pastura et communis et housbote et haybote in Smalley prout pertinet ad tenementum eorum in eadem.

For Hugh de Morley see Nos. 239-41.

- 273.** Manumission by W[illiam] de Verdon the younger of Richard, son of Alwine de Shardlow, and grant of him to Richard, son of Gilbert de Aston; grant also to the said Richard of a toft and croft with an acre of land near Longepol in Shardlow, paying 12*d.* yearly. (Cf. No. 268.) Before 1240.

W[illelmus] de Verdon iunior libertate donauit Ricardum filium Alweni de Schardelowe cum tota sequela et eum dedit Ricardo filio Gilberti de Aston, insuper dedit dicto Ricardo toftum et croftum que iacent inter toftum Hugonis Gurney in Schardelowe et terram que fuit Roberti le Archer cum vna acra terre que iacet iuxta Longepol in Schardelowe, reddendo annuatim sibi xii denarios ad Annunciacionem et ad festum sancti Michaelis. Hoc scripto alia [carta] iungitur de eadem materia.

- 274.** Quitclaim by William Wilde and Sybil his wife to Robert, son of William de Elvaston, of all their land in Smalley. Before 1226.

Willelmus Wildi *sic* et Sibilla vxor eius quiete clamauit Roberto filio Willelmi de Ailwaston totam terram suam in Smalleye.

See Nos. 266, 269.

- 275.** Grant by W[illiam] de Verdon the elder and Alice his wife to Alan, son of Jordan, of four oxgangs of land in Shardlow, which Alan held of them, paying to them 6*s.* yearly, saving the external service. 1200-26 (?).

W[illelmus] de Verdon senior et Alicia uxor eius dederunt Alano filio Jordani iiii bouatas terre in Schardelowe cum pertinenciis, quas idem Alanus tenuit de eis, reddendo eis annuatim vi solidos ad Annunciacionem beate Marie et ad festum sancti Michaelis, saluo forinseco seruicio.

276. Obligation of William de Shardlow to pay to the abbot of Chester $\frac{1}{2}$ mark yearly rent for the land which was W[illiam] de Audley's in Shardlow (No. 268), and to do common suit for it from court to court in Weston. The abbot to have power to distrain, but no liability of warranty.

Willelmus de Schardelowe tenetur soluere abbati Cestrie annuatim dimidiam marcam nomine firme de terra que fuit W[illelmi] ¹ de Authedilega in Schardelowe, scilicet in Annunciatione Dominica et in festo sancti Michaelis per equales porciones, et facere pro ea communem sectam de curia ad curiam in manerio de Weston; et si in hiis defecerit liceat abbati illum distringere, nec tamen dictus abbas ad warentizanciam dicte terre tenetur.

277. Quitclaim by Alice, daughter of Alan Le Crowther, in her free widowhood to the abbot of her right in four oxgangs in Shardlow, which Richard Le Gurney held, and a toft and buildings.

Alicia filia Alani Le Crouther in libera viduitate quiete clamauit abbati totum ius suum in iiii bouatis terre in Schardelowe quas Ricardus Le Gurney tenuit cum omnibus pertinenciis et tofto et edificiis.

278. Quitclaim by W[illiam] de Verdon the elder to W[illiam] his son, of four oxgangs in (Great) Wilne which Richard the miller held, with the said Richard and his sequel, whom William Bardulf quitclaimed to him. 1200-1226 (?).

W[illelmo] de Verdon senior quiete clamauit W[illelmo] filio suo iiii bouatas terre in Wilne quas Ricardus Molendinarius tenuit, cum ipso Ricardo et tota sequela sua, quem Willelmus Bardulf ei quiete clamauit.

279. Grant by W[illiam] de Verdon the younger to the abbey of four oxgangs in (Great) Wilne which Richard the miller held and the said Richard with his sequel, for 18 marks.

W[illelmus] de Verdon iunior dedit ecclesie sancte Werburge Cestrie four bouatas terre in Wilne cum omnibus pertinenciis quas Ricardus Molendinarius tenuit et ipsum Ricardum cum tota sequela sua, pro xvii marcis.

¹ Extended from the heading.

- 280.** Grant by W[illiam] de Verdon the elder to his son W[illiam] of four oxgangs in Great Wilne, which Robert the smith held, and Robert himself with all his sequel, save his son Robert with four selions which he holds by charter.

W[illelmus] de Verdon senior dedit W[illelmo] filio suo quatuor bouatas terre in Wilne quas Robertus faber tenuit, et ipsum Robertum cum tota sequela sua, excepto Roberto filio dicti Roberti cum quatuor sellionibus quas tenet per cartam.

- 281.** Grant by W[illiam] de Verdon the younger to abbot Walter of four oxgangs in (Great) Wilne which Robert the smith held, etc. 1228-40.

W[illelmus] de Verdon iunior dedit Waltero abbati Cestrie iiii bouatas terre in Wilne quas Robertus faber tenuit etc. [as in No. 280].

- 282.** Grant by W[illiam] de Verdon the elder to his son W[illiam] of four oxgangs in (Great) Wilne which Henry, son of Osmund, held, and himself with all his sequel. 1200-26 (?).

W[illelmus] de Verdon senior dedit W[illelmo] filio suo 4 bouatas terre in Wilne quas Henricus filius Osmundi tenuit, et ipsum cum tota sequela sua.

- 283.** Grant by W[illiam] de Verdon the younger to abbot Walter of the four oxgangs, etc., conveyed to him in No. 282. 1228-40.

W[illelmus] de Verdon iunior dedit Waltero abbati Cestrie 4 bouatas terre in Wilne quas Henricus filius Osmundi tenuit et ipsum Henricum cum tota sequela sua.

- 284.** Grant by W[illiam] de Verdon the younger to abbot Walter of a toft in (Great) Wilne, with a croft which Richard, son of Beton, held, and two and a half acres of meadow in the field of Aston (on Trent) at Redeput, paying yearly 12*d.* for the toft to Hugh, son of Hugh de Morley, for 6 marks. 1228-40.

W[illelmus] de Verdon iunior dedit Waltero abbati Cestrie vnum toftum in Wilne cum crofto quod Ricardus filius Beton tenuit et duabus acris et dimidia prati in campo de Aston ad Redeput, reddendo annuatim de dicto tofto xii denarios Hugoni

filio Hugonis de Morley in Annunciacione Dominica et ad festum sancti Michaelis per equales porciones, pro vi marcis.

- 285.** Grant by W[illiam] de Verdon the younger to the abbot of Chester of the whole plot of land in the field of (Great) Wilne, on both sides of the Derwent, which is called Herlisholm, and a toft and croft in Wilne and Henry le Grant the tenant and all his sequel.

W[illelmus] de Verdon iunior dedit abbati Cestrie totam placeam terre in campo de Wilne ex vtraque parte de Dorewent que vocatur Herlisholm, et vnum toftum cum crofto in Wilne, et Henricum le Grant dictum toftum tenentem cum tota sequela sua.

- 286.** Grant by W[illiam] de Verdon the elder to W[illiam] his son and heir of a plot of land in the field of (Great) Wilne, on both sides of Derwent, which is called Herlisholm, which Walter Blunt once held, and a toft, etc. (as in No. 285).

W[illelmus] de Verdon senior dedit et quiete clamavit W[illelmo] filio suo et heredi vnam placeam terre in campo de Wilne ex vtraque parte Dorewent que vocatur Herlisholm quam Walterus Blundus aliquando tenuit, et vnum toftum, etc. [as in No. 285, but substituting "aliquando tenuit" for "tenentem" and adding "et catallis" at the end].

- 287.** Grant by W[illiam] de Verdon the elder to W[illiam] his son of a toft and croft in (Great) Wilne which Richard, son of Beton, once held, and two and a half acres of meadow in the meadow of Aston (upon Trent) at Redeput, paying to Hugh de Morley 12*d.* yearly. 1200-26 (?).

W[illelmus] de Verdon senior dedit et quiete clamavit W[illelmo] filio suo vnum toftum cum crofto in Wilne quod Ricardus filius Beton aliquando tenuit, et ii acras et dimidiam prati in prato de Aston ad Redeput, reddendo annuatim de dicto tofto Hugoni de Morley xii denarios.

The grantee sold the toft, etc., to abbot Walter (No. 284).

- 288.** Demise by W[illiam] de Verdon the younger to Henry le Grant of (Great) Wilne of the toft which Robert le Grant held there, at a yearly rent of 1*d.* (Cf. No. 285.)

W[illelmus] de Verdon iunior dimisit ad firmam Henrico le Grant de Wilne in perpetuum totum toftum quod Robertus le Grant tenuit in Wilne reddendo sibi annuatim vnum denarium ad Natale Domini.

289. Grant by abbot Walter to Richard de Draycote and his heirs of power to appoint an attorney for themselves in the court of Weston (upon Trent), in respect of land held of the abbot in (Great) Wilne, except when there is a trial by battle in the court, in which case they are to appear in person to aforce the court. 1228-40.

Walterus abbas Cestrie concessit domino R[icardo]¹ de Draycote quod liceat sibi et heredibus suis facere vnum pro se atornatum de terra quam tenet de dicto abbate in Wilne in curia de Weston. Set si fiat duellum in dicta curia, idem Ricardus uel sui heredes personaliter ibidem erunt ad forciamentum curie.

290. Grant by William Burdon of Breaston to William, son of Reginald de Wilne, of four oxgangs in (Great) Wilne, with toft, etc., which Robert, son of Toki, held, paying 5s. yearly to him, saving the abbot of Chester's rent of 17½*d.*

Willelmus Burdon de Breydeston dedit Willelmo filio Reginaldi de Wilne iiii bouatas terre in Wilne cum tofto et crofto et omnibus pertinenciis, quas Robertus filius Toki tenuit, reddendo sibi annuatim v solidos ad Annunciacionem Dominica[m] et ad festum sancti Michaelis per equales porciones, salua firma abbatis Cestrie xvii denariorum [et] oboli.

291. Grant by Walter, son of William, to his son John in true marriage with Emma, daughter of Gilbert de Ratcliffe, of the four oxgangs conveyed in No. 290, reserving the same rent to himself and 18*d.* yearly to the abbot of Chester.

Walterus filius Willelmi dedit Johanni filio suo in vero maritagio cum Emma filia Gilberti de Radecliue 4 bouatas terre in Wilne de feodo Willelmi Burdon cum tofto et crofto et omnibus pertinenciis, reddendo sibi annuatim et heredibus suis v solidos ad Annunciacionem Dominicam et ad festum sancti Michaelis per equales porciones. Saluis abbati Cestrie xviii denariis annuis.

¹ Extended from the heading.

292. Confirmation by Hugh de Stredeleye to Walter, son of William, of the four oxgangs conveyed in Nos. 290 and 291, paying 5s. yearly to Hugh and his heirs, saving the service due to the abbot.

H[ugo] de S[tredeleye]¹ concessit et confirmavit Waltero filio Willelmi iiii bouatas terre in Wilne quas Willelmus pater eius tenuit de dono Willelmi Bordon, reddendo inde annuatim dicto Hugoni et heredibus suis v solidos ad Annunciacionem Dominica[m] et ad festum sancti Michaelis per equales porciones, saluo seruicio pertinente abbati. [f. 17d (14d),]

293. Grant by Walter de Wilne, son of William, son of Reginald, to William de Hauterive, of four oxgangs in (Great) Wilne and Shardlow, with toft, etc., which William his father had of the gift of William Bordon, doing therefor the service due to the chief lords. c. 1265-91.

W[alterus]² de Wilne filius Willelmi filii Reginaldi dedit W[illelmo] de Alta Ripa 4 bouatas terre in Wilne et Scharde-low, cum tofto et crofto et omnibus pertinenciis, quas Willelmus pater eius habuit de dono Willelmi Bordon de Breydeston, faciendo inde seruicium dominis capitalibus debitum.

If the four oxgangs conveyed here were the same as those disposed of in the three preceding charters, Walter's gift to his son John (No. 291) would seem to have not taken effect or to have determined. See also Nos. 299, 304.

294. Quitclaim by John de Horseley, son and heir of Ismay, daughter of Beatrice de Breaston, to abbot S[imon] of his right in a toft and four acres (? oxgangs) of land in Great Wilne which Walter de Wilne formerly held and afterwards delivered to Robert Malehunte, before the justices of the king, as his right (No. 302). 1265-91.

J[ohannes]³ de Horseleya filius et heres Ysmay filie Beatricis de Breydeston quiete clamauit S[ymoni] abbati Cestrie totum ius suum in vno tofto et quatuor acris⁴ terre in Magna Wilne que Walterus de Wilne aliquando tenuit et postea Roberto Malehunte coram iusticiariis regis tanquam ius suum reddidit.

295. Recognition by William, son of Walter de Wilne, that

¹ Extended from the heading.

³ Extended from the heading.

² Extended from the heading.

⁴ bouatis in No. 302.

four oxgangs with a messuage in (Great) Wilne, which Robert de Sallowe once held of the abbot of Chester, are the right of the abbey and an escheat thereof by the death of the said Robert its man without heir, in respect to which W[illiam] impleaded the abbot by writ of *Mort d'ancestor*, whence he quitclaimed them for ever. 1265-91.

W[illelmus]¹ filius Walteri de Wilne recognouit 4 bouatas terre cum vno mesuagio in Wilne, quas Robertus de Sallowe quondam tenuit de abbate Cestrie, esse ius ecclesie sancte Werburge Cestrie et eschaetum dicte ecclesie per mortem predicti Roberti hominis sui sine herede in fata decedentis; de quibus prefatus W[illelmus] dictum abbatem per breue de morte antecessoris coram iusticiariis regis apud Salopiam implacitauit, vnde ea imperpetuum quiete clamauit.

296. Quitclaim by William, son of Walter de Wilne, to abbot S[imon] of his right in four oxgangs and a messuage, which Robert de Sallowe once held. 1265-91.

Willelmus filius Walteri de Wilne quiete clamauit S[ymoni] abbati Cestrie totum ius suum in 4 bouatis terre et vno mesuagio in Wilne quas Robertus de Sallowe quondam tenuit.

297. Quitclaim by William, son of Walter de Wilne, to abbot S[imon] of two-thirds of a messuage (and four oxgangs) in Great Wilne, which he had from the abbot for the term of his life; and release of his right in one-third of the said messuage and oxgangs which Arnold de Wilne and Isabel his wife holds of the abbot in the name of dower. 1265-1291.

Willelmus filius Walteri de Wilne quiete clamauit S[ymoni] abbati Cestrie duas partes vnius mesuagii [et 4 bouatarum] in Magna Wilne que habuit a dicto abbate ad terminum vite sue. Item idem Willelmus remisit dicto abbati totum ius suum in tercia parte dictorum mesuagii et bouatarum que Arnaldus de Wilne et Ysabella uxor eius tenuerunt de dicto abbate tempore confectionis istius scripti nomine dotis.

The messuage and land here quitclaimed are identified with those referred to in Nos. 295-6 by the heading of this in the chartulary: "Alia quieta clamacio de predictis," and by No. 303. After establishing his right to them by a judicial decision and William's quitclaim,

¹ Extended from the heading.

abbot Simon seems to have given him a lease for life of the disputed holding. In the charter, of which an abstract is before us, William resigns all his rights under the lease, but only two-thirds of the estate reverted directly to the abbot, the other third having been granted in dower.

- 298.** Quitclaim by William, son of Ralph de Bredon, to abbot S[imon] of his right in 5s. yearly which he demanded from the abbot by the king's writ for four oxgangs, etc., in Great Wilne. 1265-91.

W[illelmus] filius Radulphi de Bredon quiete clamauit S[ymoni] abbati Cestrie totum ius suum in v solidis annuis quos ab dicto abbate peciit per breue domini regis de quatuor bouatis terre cum tofto in Magna Wilne.

- 299.** Quitclaim by Robert Blundel de Breaston to William de Hauterive of his right in a toft and four oxgangs (No. 293) in Great Wilne and Shardlow which William, son of Reginald, formerly bought from William Bordon of Breydeston, for which the said Robert impleaded Walter, son of the said William, in the king's court. 1265-91.

Robertus Blundel de Breydeston quiete clamauit Willelmo de Alta Ripa totum ius suum in vno tofto et quatuor bouatis in Magna Wilne et Schardelow quas Willelmus filius Reginaldi quondam emit de Willelmo Bordon de Breydeston, de quibus dictus Robertus implacitauit Walterum filium dicti Willelmi in curia regis.

- 300.** Quitclaim by Robert Blundel, kinsman and heir of Robert, son of Thomas de Wilne, to abbot S[imon] of his right in four oxgangs in (Great) Wilne which the said Robert, son of Thomas, held, and in the homage and service of Swet de Pinchbeck which he used to do to Robert, son of Thomas, for two oxgangs formerly belonging to Roger the mason of Aston (upon Trent). 1265-91.

Robertus Blundel consanguineus et heres Roberti filii Thome de Wilne quiete clamauit S[ymoni] abbati Cestrie totum ius suum in quatuor bouatis terre in Wilne, quas dictus Robertus filius Thome tenuit. Item idem Robertus Blundel quiete clamauit totum ius suum in homagio et seruicio Sweti de Pinchebec, quod dicto Roberto filio Thome facere consuevit pro ii bouatis

terre que fuerunt quondam Rogeri cementarii de Aston, cum omnibus pertinenciis.

- 301.** Quitclaim by Robert Blundel, son of Robert Blundel de Breaston, to Isabel, wife of the late Robert de Wilne, of his right in a third part of a messuage and four oxgangs in (Great) Wilne.

Robertus Blundel, filius Roberti Blundel de Breydeston, quiete clamauit Yssabelle uxori quondam Roberti de Wilne totum ius suum in tercia parte vnus mesuagii et quatuor bouatarum in Wilne.

- 302.** Quitclaim by R[obert] Blundel to abbot S[imon] of his right in four oxgangs in (Great) Wilne which R[obert] Malehunte formerly held of the said abbot (cf. No. 294.) 1265-91.

R[obertus] Blundel quiete clamauit S[ymoni] abbati Cestrie totum ius suum in 4 bouatis terre in Wilne quas R[obertus] Malehunte aliquando de dicto abbate tenuit, cum pertinenciis.

- 303.** Quitclaim by R[obert] Blundel de Breydeston to abbot S[imon] of his right in two-thirds of a messuage and four oxgangs in (Great) Wilne which he claimed in the king's court by a writ of kindred, and in one-third thereof which Arnold de Wilne and Isabel his wife held for the term of Isabel's life (No. 297). 1265-91.

R[obertus] Blundel de Breydeston quiete clamauit S[ymoni] abbati Cestrie totum ius suum in duabus partibus vnus mesuagii et 4 bouatarum terre in Wilne que clamauit in curia regis versus dictum abbatem ut ius suum per breue de consanguinitate. Item quiete clamauit totum ius suum in tercia parte vnus mesuagii et iiii bouatarum que Ernaldus de Wilne et Yssabella uxor eius tenuerunt ad terminum vite ipsius Ysabelle.

- 304.** Obligation by R[obert] Blundel of Breaston to abbot S[imon] under a penalty of £10 to observe his agreement with the abbot and to go to London and revoke his writ against Walter de Wilne (cf. No. 299) at his own expense, renouncing all legal remedy, etc. 1265-91.

R[obertus] Blundel de Breydeston obligauit se S[ymoni] abbati Cestrie, sub pena x librarum regi soluendarum, quod conuencionem inter ipsum et dictum abbatem factam fideliter

tenebit, ita quod Londonias adibit et breue quod contra Walterum de Wilne impetrauit super hiis que in eodem breui continentur retrahet et sumptibus suis reuocabit, renunciando in hac parte omni iuris remedio tam canonici uel ciuilibus et maxime regie prohibitioni, necnon obligans quod summam bladi et alterius rei quam occasione dicte conuencionis recepit dicto abbati refundet, si contra premissa venerit.

305. Agreement that Stanlaw abbey shall render yearly to Chester abbey two stones of wax, and that Stanlaw abbey shall have all the tithes and offerings of the land of (Great) Stanney, etc., which the brethren cultivate with their own hands, or at their expense, and whatever they shall have for the sustenance of their animals and anything else which owes tithe. But so long as laymen remain in Stanney they shall pay all ecclesiastical rights to their mother church of Eastham, as before the coming of the monks to Stanlaw. 1178-90.

From the *Coucher Book of Whalley Abbey* (ii. 532),¹ collated with the abstract in the chartulary.

Nouerint tam posterii quam presentes quod controuersia [f. 18 (15)] que versabatur inter ecclesiam sancte Wereburge de Cestria et ecclesiam de Benedicto Loco, siue de Stanlawe,² super decimis de Staneya hoc modo perpetualiter sopita est,³ uidelicet, quod ecclesia de Benedicto Loco, siue de Stanlawe, reddet annuatim ecclesie sancte Wereburge duas petras de cera, unam infra octauas passionis apostolorum⁴ Petri et Pauli, et aliam ad festiuitatem⁵ sancti Michaelis. Et ipsa sepedicta ecclesia de Benedicto Loco, siue de Stanlawe, solute et quiete habebit omnes decimas et omnes alias obuentiones totius terre de Staneya et eius pertinentium⁶ quas⁷ fratres prefate ecclesie propriis manibus vel sumptibus excoluerint,⁸ et quicquid ipsi habuerint in nutrimentis animalium, siue in aliis rebus, unde decime dari solent, absque omni calumpnia et reclamacione ecclesie sancte Wereburge. Ita tamen quod quamdiu homines seculares in Staneya manserint, ipsi omnia iura ecclesiastica sue matri⁹

¹ Ed. W. A. Hulton (Cheth. Soc. (O.S.) xi.). It is there headed: "ffinalis concordia inter Abbatem Cestrie de decimis de Staneye cum tribus sigillis."

² Stanlawe Ch.; Stanlow is the present spelling.

³ Preamble omitted in chartulary abstract.

⁴ Ch.; apostolicorum C.B.

⁵ festum Ch.

⁶ Ch.; pertinentiis C.B.

⁷ Ch.; quam C.B.

⁸ colunt Ch.

⁹ matri⁹ C.B.; corrected from Ch.

ecclesie de Estham¹ persoluent, prout fecerunt ante aduentum monachorum ad Stanlawe.² Et ecclesia sancte Wereburge prefatam ecclesiam pro hiis duabus petris de cera ab omni exactione ecclesie de Esteham,¹ cui villa de Staneya parochiali iure subiacebat, per omnia defendet. Et ut hec conuentio inconcussa persistat in posterum idcirco eam appositione sigillorum domini Roberti Abbatis de Cestria, et Radulphi Abbatis de Buldewas, [et] Johannis Abbatis de Cumbermara corroborari volumus.

Great Stanney formed part of the original endowment of Stanlaw abbey by John, constable of Chester, in 1178, but the tithes and other parochial rights of the township were in the possession of the monks of St. Werburgh's, not in virtue of a pre-Conquest holding there which had belonged to their predecessors the canons (*supra*, p. 24), as Mr. Hulton supposed, but of the appropriation of the church of Eastham, in whose parish Stanney then lay, to the abbey by Earl Ranulf II. (No. 349). The date of the settlement is fixed as not later than the early months of 1190 by Archbishop Baldwin's confirmation (*Coucher Book*, ii. 534). It was most probably effected during his archiepiscopate (1185-90). Great Stanney ultimately became entirely extra-parochial.

306. Final concord between the monks of Chester and Stanlaw abbeys wherein the former in consideration of a payment of 24 (80?) pounds of silver released to the latter the marsh before the gates of their house, reserving to themselves and their men of Whitby the right to pasture forty horses, mares, and colts there from May 3 to September 14. December 21, 1277.

From the *Coucher Book of Whalley* (ii. 540), collated with the abstract in the chartulary.

Hec est finalis concordia facta in pleno comitatu Cestrie die martis proximo ante festum beati Thome apostoli anno domini M^oCC^oLXX^o septimo³ coram domino Guncelino de Badelesmere tunc Justiciario Cestrie, dominis Patricio de Haselwall, Rogero de Douneull, Willemo Wystanton, militibus, et aliis fidelibus domini regis et ibidem presentibus, inter dompnum Symonem Abbatem et conuentum sancte Werburge Cestrie petentes per breue de rationabilibus diuisis mariscum iacentem ante portas⁴ Abbathie de Stanlawe⁵ in latitudine de Londpul,⁶

¹ Ch. ; Hesteham C.B.

² The chartulary abstract closes here.

³ The date and all the names are omitted in the chartulary.

⁴ portam Ch.

⁵ Stanlowe Ch. et *passim*.

⁶ Lonpul Ch.

siue Elpul, directe per quendam lacum veterem usque in Whitebypul,¹ et in longitudine usque in aquam que vocatur Mersee, et viros religiosos dompnū Robertum Abbatem et conuentum de Stanlawe defendentes, videlicet, quod predicti Abbas et conuentus Cestrie remiserunt et pro se et successoribus suis imperpetuum quietumclamauerunt predictis Abbati et conuentui de Stanlawe et eorum successoribus totum ius et clameum quod habuerunt vel aliquo modo habere poterunt in dicto marisco infra diuisas prenotatas. Salua tamen eisdem Abbati et conuentui Cestrie eorumque successoribus et hominibus eorum de Whiteby² communa pasture siue pastura in eodem marisco ad equos et equas seu pullanos³ hominum suorum de Whiteby ad quadraginta complete et non ultra, a festo inuentionis sancte crucis continue usque ad festum exaltationis eiusdem singulis annis imperpetuum, sine impedimento dictorum Abbatis et conuentus de Stanlawe et eorum successorum ibidem pascendos, cum libero introitu et exitu sine impedimento, facto, opere, aut machinatione quacunque. Ita quod nec dicti Abbas et conuentus sancte Werburge Cestrie nec eorum successores nec aliquis per eos seu nomine eorum aliquid iuris vel clamei in dicto marisco preter pasturam ad xl animalia hominum suorum de Whiteby, sicut superius dictum est, de cetero exigere vel vendicare poterunt. Nec dicti Abbas et conuentus de Stanlawe vel eorum successores dictam pasturam animalibus quibuscunque in terminum⁴ onerabunt quin antedicti Abbas et conuentus Cestrie et eorum successores et homines eorum de Whiteby ad xl equos et equas et pullanos in forma prenotata pasturam possint habere ibidem, sicut prius habere consueuerunt. Pro hac autem remissione et quietaclamatione predicti Abbas et conuentus de Stanlawe dederunt Abbati et conuentui de Cestria xxiii⁵ libras argenti. In cuius rei testimonium partes alternatim huic finali concordie in modo cyrographi confecte sigilla sua fecerunt apponi et in rotulo qui vocatur Domesday procurauerunt irrotulari. Acta anno regni regis Anglie domini Edwardi vi^{to}.

The tract of marsh in dispute, which had been the subject of earlier temporary arrangements (Nos. 306a, 306b), lay along the shore of the Mersey from Stanlaw to Whitby Pool. Whitby belonged to St. Werburgh's (p. 18), and the abbot and convent apparently claimed the marsh as its appurtenance. The settlement of 1277 recognised

¹ Witebipul Ch.

² Witeby Ch. *et passim*.

³ pullos equinos Ch.

⁴ interim Ch. (immediately after the specification of the duration of the right of pasture).

⁵ lxxx Ch. which omits the sealing clause.

the lordship of Stanlaw abbey over this marsh, subject, however, to a limited common of pasturage for the men of Whitby.

This piece of shore has been so altered by coast erosion (Orm. ii. 12) and the modern canal and railway that it is probably hopeless to identify the pools mentioned or the Byfleet of No. 306a. Possibly the latter may have been connected with the inlet marked on Greenwood's map of 1819 a little distance to the west of the site of Stanlaw abbey. See Addenda.

306a. Earlier agreement in regard to the same marsh. August 3, 1241.

From the *Coucher Book of Whalley* (ii. 545).

Anno gratie M^oCC^oXL primo, iii^o nonas Augusti, facta est quedam amicabile compositio inter dominum Rogerum Abbatem et conuentum Cestrie ex una parte et dominum Karolum Abbatem et conuentum de Stanlawe ex altera, videlicet, quod cum mota esset contentio super marisco iacente in latitudine de Whitebypul directe per quendam lacum veterem usque in Landpul siue Elpul, et sic per Elpul usque ad portam Abbathie usque in aquam que dicitur Teruen, comprehensa infra has diuisas pastura que dicitur Biflet, et in longitudine de predicto veteri lacu per Whitebypul usque in Mersee, Abbate Cestrie pro se et conuentu suo totum dominium dicti marisci vendicante, Abbate vero de Stanlawe pro se et conuentu suo dominium eiusdem marisci, salua hominibus Abbatis Cestrie in Whiteby communia pastura¹ ad equos et equas proprias quotquot habuerint in marisco predicto, similiter sibi vendicante. Tandem inter partes ita conuenit quod, saluo utrique parti iure proprietatis super dicto marisco usque ad legitimam etatem heredis nobilis viri Johannis de Lascy, comitis Lincolnie et constabularii Cestrie, Abbas Cestrie et homines sui de Whiteby habeant super dictum mariscum equos et equas et pullos usque ad xl et non plures, Abbas vero de Stanlawe totidem similiter et non plures. Et quod sit etiam idem mariscus communis pastura ad proprios bidentes Abbatis de Stanlawe et nulla alia animalia, et ad proprios bidentes hominum de Whiteby, et ad bidentes Abbathie Cestrie et nulla alia animalia, quam cito Abbas Cestrie aliquod dominicum in manu sua ceperit et excoluerit in territorio de Whiteby. Et sciendum quod licebit Abbati Cestrie et hominibus de Whiteby tot habere bidentes de propriis in dicta pastura quot et Abbathie de Stanlawe et e conuerso. Et si partes viderint dictam pasturam nimis oneratam, de assensu eorundem partium fiat amensuratio

¹ ? pasture.

ad partis utriusque commoditatem. Cum autem dictus heres ad etatem legitimam peruenerit, neutra pars aliquid sibi iuris quantum ad possessionem vel proprietatem occasione huius conuentionis vendicabit preter id ius quod die conuentionis eiusdem sibi competiit. In cuius rei testimonium appositis signis, Abbas et conuentus Cestrie parti huius scripti duplicati que penes Abbatem et conuentum de Stanlawe remansit, idem Abbas de Stanlawe pro se et conuentu suo sigillum suum apposuit alteri parti predicti scripti penes Abbatem et conuentum Cestrie remanenti. Hiis testibus, fratre Henrico tunc priore fratrum predicatorum Cestrie, dominis Willelmo de Vernon, Hamone de Mascy, Galfrido de Dutton, magistro Andrea de Sancta Maria, magistro Johanne de Donynton, Ricardo de Kingesle, Ada de Hellesby, Ricardo de Coudray, et aliis.

306b. A further earlier agreement in regard to the same January 13, 1246.

From the *Coucher Book of Whalley* (ii. 546).

Hec conuentio facta inter Abbatem et conuentum Cestrie ex una parte et Abbatem et conuentum de Stanlawe ex altera super pastura bidentium inter Whitebypul et Landpul, siue Elpul, unde prius conuentio facta fuit inter eos, videlicet, quod Abbas et conuentus Cestrie concesserunt usque ad legitimam etatem Edmundi de Lascy, filii Johannis de Lascy quondam Comitum Lyncolnie, Abbati et conuentui de Stanlawe totam pasturam quam habuerunt ibidem ad bidentes suos per conuentionem prius factam, salua omnibus hominibus Abbatis de Whiteby communa dicte pasture prout ante conuentionem primo factam habuerunt, et salua Abbati et conuentui Cestrie pastura etiam hominibus suis pro portione terre quam in manu sua tenent in territorio de Whiteby, scilicet, equarum, pullanorum et auerorum. Finito vero termino cum dictus Edmundus ad legitimam peruenerit etatem, fiat hinc inde secundum quod in prima conuentione super eadem pastura prius facta plenius continetur. Pro hac autem concessione dederunt Abbas et conuentus de Stanlawe Abbati et conuentui Cestrie xx marcas. Hoc expresso quod omnes alie conuentiones inter eos inite preter illam de bidentibus firmiter teneantur secundum tenorem instrumentorum inter eos confectorum. Partes vero remiserunt ad inuicem omnes iniurias sibi et hominibus suis vel ab hominibus suis illatas ante diem et usque ad diem istius conuentionis facte. Et renunciauerunt impetrationi literarum domini pape, et etiam domini

regis, et usui earundem quas super hanc impetrarunt. Hanc autem conuentionem utraque pars promisit fideliter obseruare. In cuius rei testimonium presens scriptum duplicatum sigillis partium est hinc inde roboratum. Hiis testibus, dominis J[ohanne] de Grey tunc Justiciario Cestrie, R[ogero] de Monte Alto senescallo Cestrie, Willelmo de Grey, R[oberto ?]¹ de Vernon, H[enrico] de Torbok, Galfrido de Dutton, magistris A[lano] de Tawell tunc officiali Cestrie, J[ohanne] de Donynton, H[] de Lega, R[icardo] de Coudraye, et G[] clericis, R[?oberto] de Hulton, Willelmo de Croxton, R[ogero] de Toft, R[oberto] de Pulford, et aliis. Acta apud Cestriam id. Januarii anno regni Regis Henrici filii regis Johannis xxx°.

- 307.** Final concord between H[ugh], abbot of Chester, and R[alph], abbot of Stanlaw, made before Earl Ranulf III. and Roger de Lacy, constable of Chester, and read in the shire court, viz.: (1) That the monks of Chester should retain Alrichesholm; (2) that the monks of Stanlaw should have the land and marsh between Holmlache and Holpol as they descend to (the) Tarvin and should be entitled to make a fishery and a fulling-mill, etc., provided they do not injure the mills and fisheries of the monks of Chester or hold up or divert the courses of the streams; (3) that the monks of Stanlaw should not raise their mill-pool higher than the banks of the said pool; (4) that if the streams changed their course each house should have the land it held at the making of this agreement; (5) that the monks of Chester should be free to remove their mill to another site, if need be; (6) that the monks of Stanlaw should find the monks of Chester at Midsummer every year twenty-four cartloads of thatching in their marsh, each cart drawn by six oxen; (6) that each house should bear its own share of the cost and take its own share of the profit of fisheries made below the mills of the monks of Chester; and (7) that the road which leads from Wirral to the bridge between those mills should be 30 feet wide. 1209.²

From the chartulary collated with the copy in the *Coucher Book of Whalley* (ii. 534).

¹ Warin de Vernon, baron of Shipbrook, had three brothers with this initial, Robert, Richard, and Ralph. Mr. Hulton in his index decides in favour of the first-named.

² Before August 24, when abbot Ralph died (Orm. ii. 398).

[Hec est] ¹ finalis concordia inter abbatem ² sancte Werburge Cestrie et abbatem ³ de Stanlowe ⁴ coram R[anulpho] ⁵ comite Cestrie et R[ogero] de Lascy, constabulario, facta et in comitatu ⁶ recitata anno domini ⁷ m^occix^o, H[ugone] et R[adulpho] abbatibus. ⁸ Prouisum est in primis vt monachis Cestrie remaneat Alrichesholm ⁹ cum omnibus pertinenciis suis integre et quiete. Monachi uero de Stanlowe habebunt libere et quiete imperpetuum totam terram et mariscum que iacet inter Holmlache ¹⁰ et Holpul ¹¹ sicut descendunt in Tervin ¹² et inde facient ¹³ sicut de proprio ¹⁴ piscariam si voluerint, et molendinum fulerez ¹⁵ si velint, et omnia alia comoda sua et asiamenta ¹⁶ que inibi fieri possunt absque detrimento molendinorum et piscariarum monachorum Cestrie et absque retencione et mutacione cursus predictarum aquarum, saluis piscariis monachorum de Stanlowe in eodem pul. Ita quod idem monachi de Stanlowe non eleuabunt stagnum suum super altitudinem riparum eiusdem pul. Quod si predictae aque cursum suum per inundacionem aquarum, ut fieri solet, mutauerint, salua erit utrique domui terra quam tempore facte compositionis habebat. Item si superius molendinum monachorum Cestrie impetu aquarum uel instabilitate terre uel alico casu defecerit et in loco quo nunc est affirmari competenter non poterit, liceat monachis Cestrie loco competenciori infra prenominos Holumlake ¹⁷ et Holpul, vbi sibi viderint expedire, molendinum suum super aquam de Teruen assidere et ad terram monachorum de Stanlowe attachiare et affirmare.

Conuenit eciam ¹⁸ quod monachi de Stanlowe inuenient monachis Cestrie singulis annis viii diebus ante Natiuitatem sancti Johannis Baptiste ¹⁹ in marisco suo in loco competenti tam ad falcandum quam ad ducendum sumptibus abbatis Cestrie xxiiii carratas cooperimenti, vnamquamque carratam vi boum. ²⁰ Item si forsitan placuerit abbatibus ²¹ piscariam facere de subtus molendina ²² monachorum Cestrie uersus Merse, vtraque domus suam medietatem faciet et suam medietatem commodi percipiet.

¹ Supplied from C.B.

³ Stanlowe C.B. (*passim*).

⁵ in pleno c. C.B.

⁷ de Cestria et de Stanlowe a. C.B.

⁹ Holmlake C.B.

¹¹ Teruen C.B.

¹³ suo proprio C.B.

¹⁵ asiamenta C.B.

¹⁷ et C.B.

¹⁹ bouum C.B. The reeds were to cover the booths at the fair of St. Werburgh (Morris, *Chester*, 565).

²⁰ et monachis utriusque domus C.B.

² abbatiam C.B.

⁴ domino R., C.B.

⁶ incarnationis dominice C.B.

⁸ Alrichesholm C.B.

¹⁰ Holpul C.B.

¹² faciant C.B.

¹⁴ fullerez C.B.

¹⁶ Holmlake C.B.

¹⁸ bapte C.B.

²² molend; molendinum C.B.

Item prouidetur¹ inter eos de via que ducit de Wirhale usque ad pontem fusteum inter molendinos² monachorum Cestrie, quod ipsa erit xxx pedum in latitudine incipiens a fossato bercarie monachorum de Stanlowe per loca rectiora et duriora usque ad predictum pontem, et de ponte erit via eiusdem latitudinis usque ad molendina³ monachorum Cestrie. [Et ut ista conuentio inter predictas Abbathias de Cestria et de Stanlawe firma permaneat et inconcussa domini R. Comitis Cestrie et R. de Lascy Constabularii et utriusque domus Abbatum sigillorum appositione est roborata. Hiis testibus, R. comite Cestrie, R. constabulario Cestrie, Philippo de Orreby tunc Justiciario Cestrie, H[enrico] de Aldilegh, P[etro] clerico, H[enrico], T[homa] et R[ogero] dispensariis, Johanne de Pratellis, Normanno de Pantous,⁴ Guarino de Vernon, Willelmo de Venables, Roberto Patricio, magistro Alano, magistro Johanne de sancta Maria, magistro Hugone de sancte Werburga, et multis aliis.⁵]

Besides the questions of the spiritualities of Great Stanney (No. 305) and the rights of St. Werburgh's tenants of Whitby in disputed marsh (Nos. 306 *sqq.*) the monks of Chester and Stanlaw had other subjects of dispute arising out of property of the former in Stanney. The founder of Stanlaw had himself given them the mill of Great Stanney in exchange for land elsewhere (No. 321), and by another exchange with the Bunburies of Little Stanney, made before 1184, they possessed the mill of this township, and a holding there called Alrichesholm with appurtenances of marsh and meadow (No. 448).

The rights appurtenant to Alrichesholm in the marshes lying west of the Gowy, in these charters called Tarvin Water, soon came into conflict with those claimed by the new holders of Great Stanney. The terms of the agreement ultimately arrived at suggest that Stanlaw on the whole got the best of the dispute.

308. Agreement between the abbots of Chester and Stanlaw (1) that a disputed plot of land between the fields of Alrichesholm and Holpul on the west side of Stanlaw marsh should be equally divided, the abbots of Stanlaw to have the half nearest their abbey, those of Chester that nearest Alrichesholm up to the centre of a new boundary ditch; and (2) that the abbot and convent of Chester should have a road for waggons and carts from their land of Alrichesholm to their mills at Ince: over

¹ Prouisum est etiam C.B.

² *sic*; molendinum C.B.

⁴ ? Paunton. See No. 60, p. 107.

² molend; molendinum C.B.

⁵ Supplied from C.B.

this road the monks of Stanlaw were to have a right of way, and the abbot and convent of Chester were never to require any other road to Alrichesholm across their marsh; also (3) that the monks of Chester should make and keep up necessary bridges (enumerated) within Ince; (4) that the monks of Stanlaw should allow those of Chester a right of way over part of a causeway running to the old causeway between Stanlaw abbey and Stanney Grange, the rest to be made and kept up by the parties jointly; (5) that the monks of Stanlaw should as before make and keep up the bridge over the water of Tarvin and others on the side of Wirral; and (6) that the abbot, etc., of Chester should allow them a perpetual right of way over the road from Ince mills across the field below the village to the Portway from Ince to Chester, the monks of Stanlaw in return granting a similar right over all their lands. The deed was enrolled in the (Cheshire) Domesday (Roll). 1279.

From the chartulary collated with the copy in the *Coucher Book of Whalley* (ii. 536 *sqq.*):

Cum mota esset contencio inter Symonem abbatem Cestrie et Robertum¹ abbatem de Stanlowe² super quadam placea³ terre inter campos de Alrichesholm⁴ et quemdam pul nomine le Holpul versus mariscum de Stanlowe ex parte occidentali iacente, abbate Cestrie dictam placeam esse de solo et territorio suo de Alrichesholm dicente, abbate de Stanlowe ipsam ad se pertinere contendente, ac eciam super quodam chimino habendo a dicta terra abbatis Cestrie de Alrichesholm ad molendina sua de Ynes, tandem vnanimi consensu anno domini M·CC·LXXIX⁵ inter eos amicabiliter conuenit quod dicta placea terre inter eos equaliter diuideretur, ita quod pars superior versus abbaciam⁶ de Stanlowe illis de Stanlowe et successoribus ad omne commodum suum inde faciendum imperpetuum remanebit, pars altera versus Alrichesholm tam extra uetus fossatum quod includit pratum ipsorum de Stanlowe quam nouum inter partes pro diuisis factum usque ad medietatem fundi dicti noui fossati et ad aperturam veteris fossati predictis abbati Cestrie et eius successoribus et

¹ Names of abbots supplied from C.B.

² Stanlowe C.B. (*passim*).—It has not been thought necessary to note the fuller legal description of the parties which by frequent repetition lengthens the copy in C.B.

³ platea C.B. (*passim*).

⁵ Date omitted in C.B.

⁴ Aldricheholm C.B.

⁶ Abbathiam C.B. (*passim*).

assignatis ad omne commodum suum inde faciendum sola¹ et quieta sine aliqua contradiccione abbatis et conuentus de Stanlowe uel eorum successorum imperpetuum remanebit. Concesserunt eciam quod abbas et conuentus Cestrie et assignati et homines habeant imperpetuum vnum chiminum ad plaustra, et bigas a dicta terra sua de Alrichesholm ad molendina sua de Ynes inter fossatum prati dictorum abbatis et conuentus de Stanlowe et aquam de Teruen descendendo usque ad corneram siue extremitatem dicti fossati propinquiorem superiori molendino de Ynes, ita quod tota terra et mariscus, uidelicet inter aperturam et ipsam aquam ad faciendum chiminum et omnimodum aliud commodum quod similiter² possit fieri³ sine dampno prati et fossati ipsorum de Stanlowe abbati de Cestria et assignatis [f. 18 (15) d.] imperpetuum remaneat et a predicta cornera dicti fossati iidem habebunt ix pedes sicut signati sunt de terra ipsorum de Stanlowe in latitudine descendendo usque ad propriam terram dictorum abbatis et conuentus Cestrie ad chiminum faciendum sicut superius notatum est. Ita quod iidem abbas et conuentus de Stanlowe et homines eorum liberum habeant transitum per dictum chiminum in eundo versus pratum eorum et redeundo quociens uiderint expedire sine impedimento. Prefati uero abbas et conuentus Cestrie et sui successores hoc solo contenti aliud chiminum, viam uel semitam versus dictam terram suam de Alrichesholm per mariscum ipsorum de Stanlowe alibi imperpetuum de iure uel consuetudine non requirent, nec ipsos super hoc aliquatenus inquietabunt.

Conuenit eciam⁴ quod dicti abbas Cestrie et conuentus facient et competenter sustinebunt ii pontes locis consuetis inter campum de Ynes et pontem ultra aquam de Teruen, scilicet vnum ad bigas et plaustra et aliud ad equites et pedites et tertium pontem uel calceam ad bigas et plaustra ultra fossatum campi de Ynes. Concesserunt eciam ipsi de Stanlowe abbati et conuentui Cestrie et hominibus suis tam equitibus quam peditibus liberum transitum imperpetuum per calceam ab ipsis de Stanlowe factam et per eosdem faciendam super fossatum eorum ab aqua de Teruen usque ad diuerticulum vie ducentis ab ipsa calcea uersus abbaciam de Stanlowe, et ab ipso diuerticulo predictae partes tam abbas et conuentus Cestrie quam abbas et conuentus de Stanlowe et eorum successores calceam super idem fossatum ipsorum de Stanlowe uersus Wirhale directe extendentem usque ad altam calceam inter abbaciam de Stanlowe et grangiam de

¹ soluta C.B.

³ et sibi uiderint expedire C.B.

² simul C.B.

⁴ inter partes predictas C.B.

Staney¹ communibus sumptibus equaliter ad equites et pedites facient et imperpetuum sustinebunt, bigis et plaustis, si que venerint, per viam veterem, que iuxta est, xxx pedes latitudinis continens, transituris. Ita tamen quod dicti de Stanlowe pontem ultra aquam de Teruen et alios pontes uersus Wyrall' quos prius facere consueuerunt propriis sumptibus facient et imperpetuum sustinebunt.

Concesserunt eciam abbas et conuentus Cestrie quod dicti abbas et conuentus de Stanlowe et successores et homines liberum habeant transitum imperpetuum cum bigis et plaustis et vecturis per viam que ducit a molendinis de Ynes trans campum subtus uillam a parte occidentali usque ad le Portwey ducentem a dicta villa de Ynes uersus Cestriam, ita quod ex tunc ipsam altam viam teneant equitibus et peditibus per semitas vsitatas² libere transituris et alibi nichilominus per vias communes³ vsitatas in terris suis, vbi ceteri vicini communiter transire consueuerunt. Illi uero de Stanlowe vice uersa concesserunt quod dicti abbas et conuentus Cestrie eorum successores et homines per omnes terras dictorum de Stanlowe in forma prescripta liberum habeant transitum imperpetuum sine impedimento eorum uel successorum eorum, indempnitate vtriusque partis in bladis, pratis et pasturis penitus obseruata.

[Et ut hec amicabile composicio inter partes facta stabilis et firma preseruet⁴ imperpetuum, ceteris conuentionibus inter easdem factis presentem compositionem non tangentibus nichilominus in suo robore permanentibus, presenti scripto in modum cyrographi confecto partes alternatim sigilla sua fecerunt apponi, et eandem in plena curia comitatus Cestrie recitatam in rotulo qui dicitur Domesday procurauerunt irrotulari. Testibus dominis Guncelino de Badlesmere tunc Justiciario Cestrie, Petro de Arden, Uriano de sancto Petro, Willelmo de Venables, Hamone de Mascy, Radulpho de Vernon, Willelmo Lancel[yn], Patricio de Haselwall, Rogero de Douneuill, Philippo de Benuill, Ricardo de Mascy, militibus, Radulpho de Montealto, Willelmo de Haworthyn tunc vicecomite Cestrieshir[ie], Johanne de Wetenhal, Willelmo de Bunebury, Willelmo Bernard, Petro de Thorneton, Roberto de Pul, Roberto Brescy, Philippo clerico de Cestria, et aliis.⁵]

The agreement of 1209 between Chester and Stanlaw abbeys seems to have worked fairly well, but seventy years later disputes

¹ Staneya C.B.

² usitatam MS.

³ communes et C.B.

⁴ Sic.

⁵ Supplied from C.B. Ch. has merely: Hec concordia irrotulatur in Domesday.

arose as to the exact boundary between Alrichesholm and the tract of marsh which had been assigned to Stanlaw, and as to access from the former to the Chester abbey mills of Ince on the other side of the Tarvin (Gowy). The land in dispute was divided, and the monks of Chester were allowed their road to Ince on making certain concessions to their opponents. It would seem that the opportunity was taken to lay down clearly the rights and duties of the two houses in regard to some other roads and bridges. Ormerod (ii. 12) noted in 1819 that the road from Stanlaw to Ince had long been disused and that the old causeway to Stanney Grange had been destroyed by coast erosion some sixty years before (*ib.* 400). See Addenda.

309. Verdict of a jury before Guncelin de Badlesmere, justice of Chester, that the true boundaries between Whitby and (Great) Stanney in the heath extend from the old boundaries between the arable fields of the said manors westwards across to the Portway from Whitby to Chester under Cochull, and so following that road by certain marks to Fliddale (Flindale), and by Fliddale to the bounds of Upper and Lower Stanney, saving to the monks of Chester a sufficient bridle-road from the east side of Whitby: whereupon the justice gave sentence that the parties should observe these boundaries. Afterwards, those of Stanlaw demanding common of pasture for their beasts of Stanney and turbary in the heaths of Sutton and Whitby, an agreement was arranged that they should have these rights within certain bounds which are defined, and including twenty-nine cartloads of turf from Whitby heath yearly, saving to the monks of Chester reasonable approvment and to their men all turbaries, pastures, etc., which they had previously enjoyed. January 6, 1278.

From the chartulary with additions from the copy in the *Coucher Book of Whalley* (ii. 542 sqq.).

[Cum mota esset contentio super divisio inter Whiteby manerium Abbatis et conuentus Cestrie et Staneye manerium Abbatis et conuentus de Stanlawe, super bruera inter dictam villam et diuisas inferioris ville de Staneye iacente, inter dictos Abbatem et conuentum Cestrie per breue de rationabilibus diuisis petentes, et dictos Abbatem et conuentum de Stanlawe defendentes, tandem dicta contentio in crastino Epiphanie anno regni regis Edwardi sexto, ad instantiam nobilis viri domini Henrici de Lascy comitis Lincolnie et constabularii Cestrie,

conquieuit in hunc modum, videlicet quod dicti Abbas et conuentus Cestrie elegerunt sex liberos et legales homines de vicineto Cestrieshirie, scilicet, dominum Patricium de Haselwall, militem, Philippum de Benuille, Robertum de Pulle, Willelmum de Brexen, Willelmum de Bulkelegh, et Ricardum de Mascy de Moreton, et Abbas et conuentus de Stanlawe totidem elegerunt, videlicet, dominum Rogerum de Douneuille, Alexandrum de Benuille, Willelmum Lancel[yn], Bertramum de Meeles, Gydropum [*rect.* Aydropum] de Millyngton, Robertum de Brescy. Qui quidem xii de expresso consensu partium elegerunt et associauerunt sibi tertium decimum, scilicet, Ricardum de Mascy tunc vicecomitem Cestrieshirie, qui omnes in presentia domini Guncelini de Badelesmere tunc Justiciarii Cestrie iurati dixerunt et per sacramentum suum recognouerunt]¹ quod recte diuise inter manerium de Witeby et Staney in bruera extendunt se ab antiquis diuisis inter campos arabiles dictorum maneriorum directe extranverso uersus occidentem usque ad quamdam viam communem que se extendit a villa de Witeby² uersus Cestriam subtus Cochull³ quam viam vocabant Le Portwey et sic sequendo illam viam per foueas per ipsos iuratos factas usque ad quemdam sicheum qui vocatur Fliddale,⁴ et sic sequendo Fliddale usque ad diuisas Staney superioris⁵ et Staney Inferioris, saluo dictis abbati et conuentui Cestrie et successoribus eorum et hominibus chymino competenti ab orientali parte uille de Witeby hominibus et equis honustis absque bigis et plaustris quem prius habere solebant.

Quorum iuratorum veredicto in presencia predicti iusticiarii et aliorum ibi existencium publicato, idem iusticiarius iudicialiter pronunciauit quod partes ipsas diuisas per ipsos iuratores tunc factas firmas imperpetuum habeant et stabiles.

Et cum post hec ipsi de Stanlowe peterent communam pasture animalibus suis de Staney et eciam turbariam in brueris de Sotton⁶ et de Wyteby uersus predictos abbatem et conuentum Cestrie, tandem contemplacione predicti comitis et aliorum amicorum communi interuentu, inter partes ita conuenit quod ipsi Cestrie concesserunt pro se et successoribus suis, quantum ad se pertinet, quod ipsi de Stanlowe et eorum successores habeant communam pasture animalibus suis de Staney in dictis brueris,

¹ Substituted for a brief preamble in Ch. which omits the date and the names of the jurors: Coram Henrico de Lascy comite Lincolnie et Guncelino de Badelesmere, etc.

² Whiteby C.B. (*passim*).

³ Corhull C.B.

⁴ Flindale C.B.

⁵ ? Little Stanney.

⁶ Sutton C.B.

scilicet a cornero noui fossati quod diuidit inter dicta maneria de Wyteby et de Staney ascendendo directe uersus ii dumos stantes in campo de Capenhurst uersus Molinton, prout fouee et fossata et signa de consensu parcium in dictis brueris sunt facta, usque ad diuisas inter Sotton et Capenhurst sine contradiccione dictorum abbatis et conuentus Cestrie uel eorum successorum. Ita quod nec dicti abbas et conuentus de Stanlowe nec aliquis nomine eorum aliquid iuris uel clamii seu commune cuiuscunque ultra dictas foueas, fossata uel signa uersus dictas villas de Witeby et Sutton clamabunt, exigent seu vendicabunt imperpetuum.

Concesserunt eciam ipsi Cestrie quod ipsi de Stanlowe habeant annuatim xxix carratas turbarum in bruera de Witeby et non plures per has diuisas, scilicet, a cornero dicti fossati inter Wyteby et Staney pro diuisis facti linealiter usque ad veterem crucem super bruera de Sotton a foueis et signis inter dictos fossatum et crucem directe factis uersus Paruum Staney et Cherleton fodiendarum sine impedimento aliquorum, saluis tamen ipsis Cestrie dominio suo et omnimodis approuiamentis¹ suis in eisdem brueris de Wyteby et Sutton quandocunque sibi viderint expedire faciendis. Ita tamen quod per nimia approuiamenta² ipsorum predicti de Stanlowe non impediuntur quin habeant rationabilem pasturam in dictis brueris animalibus suis de Staney sine superoneracione infra predictas diuisas, et prefatas xxix carratas turbarum in loco predicto fodiendarum ac eciam saluis omnibus hominibus dictorum abbatis et conuentus Cestrie turbariis, pasturis, aysiamentis, et omnibus aliis commoditatibus que in dictis brueris ubique ante confeccionem presentis scripti habere solebant sine contradiccione, machinacione, impedimento, opere uel facto ipsorum de Stanlowe imperpetuum. [In cuius rei testimonium presenti scripto in modum cyrographi de expresso consensu partium confecto alternatim sigilla sua fecerunt apponi et in rotulo qui vocatur Domesday procurauerunt irrotulari. Hiis testibus, predicto Guncelino tunc Justiciario Cestrie et xiii iuratis superius nominatis, Ada de Chetewynd, magistro Johanne de Stanlegh, Johanne de Wetenhale, Ada de Putington, Hugone de Durham, Willelmo Bernard, Willelmo de Bunebury, et aliis.³]

I owe to Mr. Ferguson Irvine the following note on this document :
 " The Portway mentioned is the main road leading from Whitby to Chester, across which, somewhere about the junction point of the boundaries of Whitby, Great Stanney, and Little Stanney near what

¹ appropriamentis C.B.

² appropriamenta C.B.

³ Supplied from C.B.

is still called Whitby Heath, a stream, in what was called Flindale, seems to have run. There apparently was a mill on this stream, but the site is apparently lost. The stream still runs through Stanney Wood and down the boundary between Great and Little Stanney; it is called 'Flinder' by the country folk."

If Cochull is to be identified with Caughall (formerly Coghull), the Portway only coincided with the present main road for a short distance from Whitby and at Stanney Wood branched off to the left and went down to Caughall through Chorlton. It still exists as a grassy lane, very boggy and wet (*ex inform.* R. Stewart-Brown).

310. Grant by Robert del Mere to the abbey of land at Hough (in Mere) from Roger's crosses to the cartway of the priests' corn and from Strettle to the lake which is opposite.
c. 1176-1208.

Robertus de Mara dedit sancte Werburge terram apud Hoh' infra has diuisas contentam, videlicet a crucibus Rogeri usque ad charreram¹ bladi presbiterorum et a Strethleye usque ad lacum qui est ex opposito, cum omnibus pertinenciis.

The grantor was the progenitor of the family of Mere of Mere in Bucklow hundred (Orm. i. 466, 468). There is still a Hough Hall in the north of the township, and a Hoo Green close by. Strettle or Strethull was a hamlet in Mere (*ibid.*). The priests were doubtless those of Rostherne church.

310a. Grant by abbot Geoffrey to William, son of Walter de Rostherne, of the land acquired by No. 310, at a rent of a lb. of cummin or 2*d.* 1194-1208.

Addit. Ch. 51525, No. 18.

G. Dei gratia abbas Cestrie totusque eiusdem loci conuentus omnibus sancte matris ecclesie filiis presentibus et futuris salutem in eo qui salutis est auctor. Nouerit uniuersitas uestra nos dedisse et concessisse Willelmo filio Walteri de Rodestor' totam terram que inter has diuisas continetur: scilicet, a crucibus Rogeri usque ad charreram bladi sacerdotis et a Stretleñ usque ad lacum qui est ab opposito: illi et heredibus suis tenendam et habendam de nobis in feodo et hereditate libere et quiete, reddendo annuatim abbacie sancte Werburge et nobis unam libram cumini uel duos denarios in festo sancte Werburge in estate pro omni seruicio et exaccione qualibet. Ita quod ei liceat quemcumque voluerit sibi successorem

¹ charretam MS.; corrected from No. 310a.

hereditarium instituere. Et ne ulla super hoc in posterum emergat ambiguitas id presentis scripti nostri munimine cum sigilli nostri impressione dignum duximus communire. Testibus: Willelmo filio Duning, magistro Hugone, Johanne clerico de sancte Marie ecclesia, Roberto filio Pigot, Petro clerico comitis, Ricardo de Rod[estorn] clerico, Ricardo clerico domini abbatis, Anketill' de Abbatia, et multis aliis.

The speedy alienation of Robert del Mere's gift, retaining a merely nominal rent, perhaps throws some light on the disappearance of other lands granted to the abbey from its later records.

311. Grant by Master Augustus, the illuminator, of Chester, to the abbey of his land in Cupping's Lane and his land opposite the church of St. Martin on the west, near the street leading to the church of St. Nicholas.

Magister Augustus illuminator Cestrie dedit sancte Werburge terram suam in Copineslone et terram suam ex opposito ecclesie sancti Martini uersus occidentem iuxta vicum tendentem versus ecclesiam sancti Nicholai.

Cupping's Lane ran westward from Bridge Street a few yards below St. Michael's. Its eastern section is now absorbed in Grosvenor Street, but its western portion survives as Cuppin Street. The church of St. Martin of the Ash stands in the angle between Cuppin Street and White Friars, where they meet the street now called Castle Esplanade, but formerly known as Martin's Ash. Its northern continuation, still called Nicholas Street, is clearly the street referred to in the closing sentence of the grant. Ormerod makes no mention of the long-vanished church of St. Nicholas. Canon Morris quotes from Harl. MS. 2125 a statement that it was "by the Black Friars at the end of Nicholas Street" (*Chester*, 167). See Addenda.

312. Quitclaim by Pain, son of David, to the abbey of all his lands which he held of it in and outside Chester.

Paganus filius Dauid quiete clamauit ecclesie sancte Werburge omnes terras suas quas de ea tenuit in Cestria et extra.

313. Quitclaim by John, son of William Fitzalan, to the abbey of all the villeins (*nativi*) of Ince. If any of his villeins takes a wife from those of Ince, or *vice versa*, a division to be made between him and the abbot according to the custom of the country. 1216-40.

Johannes filius Willelmi filii Alani quiete clamauit sancte

Werburge omnes natiuos de Ynes et si contingat quod aliquis de natiuis suis ducat vxorem aliquam de natiuis de Ynes uel econtra,¹ fiat diuisio inter ipsum et abbatem secundum morem patrie.

The grantor was (after 1216) lord of Oswestry and Clun in Shropshire, and (before 1226) of Dunham on the Hill and other manors in Cheshire (Orm. ii. 12, 36). He had married Isabel, one of the four sisters, and ultimately co-heiresses of Hugh de Albini, Earl of Arundel (*d.* 1243), whose father William, Earl of Arundel (not his elder brother, as Dugdale states), married Mabel, daughter of Hugh II., Earl of Chester (Dugd. *Bar.* i. 121; G. E. C[okayne], *Complete Peerage*, i. 143, 2nd ed. 236). On the abbey serfs see *Trans. Hist. Soc.* (N.S.) 55, p. 59. Some fled to Lancashire *t.* abbot Simon (Harl. MS. 2149, f. 132*d*).

314. Grant by the King of the Isles to the monks of Chester of free entrance to and exit from his land, of licence to buy and sell, of exemption from tolls, etc., in all his ports, and of fishing rights off his coasts. Before 1265.

Rex Insularum dedit monachis Cestrie in totam terram suam liberum et pacificum introitum et exitum cum nauibus, hominibus et catallis, et licenciam vendendi et emendi et empta asportandi absque calumpnia, et in omni portu terre sue libertatem a theloneis et omnibus exaccionibus, et communionem piscandi in mari circa terram suam.

The name of the grantor is unluckily suppressed, but the date is before the death in 1265 of the last King of "Man and the Isles" and the acquisition of Man by Alexander III. of Scotland.

315. Grant by Earl Ranulf III. to the abbey of 8s. 4*d.* yearly from the receipts of the Chester sheriffs, to be expended in alms on the anniversary of his father, Earl H[ugh], 20*d.* therefrom to be given to the lepers of (St. Giles' Hospital) Chester. 1181-1232.

Ranulphus comes Cestrie dedit c denarios habendos singulis annis de vicecomitatu Cestrie, erogandos in elemosina annuatim die anniuersario sui patris H[ugonis] infra abbaciam Cestrie per manus monachorum, ita vt leprosi Cestrie habeant exinde xx denarios.

For another gift of this Earl Ranulf to the abbey, for the same

¹ econtra MS.

object and with the same reservation for the leper hospital of St. Giles, see No. 53.

- 316.** Grant by Edward I., that the liberal aid given to him by the abbot in men, horses, and carts during his Welsh expedition should not be drawn into a precedent. June 26, 1282.

Edwardus filius Henrici rex Anglie noluit quod illa liberalitas quam abbas Cestrie sibi fecit trahatur ad consuetudinem, videlicet ei subueniendi in expedicione sua in Walliam per homines suos, et equos et carectas.

Abbot Simon secured this disclaimer from Edward I. just ten days before he left Chester for the opening campaign of the conquest of Wales (*Cal. Pat. R.* 1282-91, pp. 29, 30).

- 317.** Letter of protection from Edward, eldest son of Henry III., to his justice of Chester for the garden and curtilage of the monks outside the wall of the city. 1254-70.

Edwardus primogenitus regis Anglie scripsit suo iusticiario Cestrie quatinus non permetteret monachis Cestrie a ciuibus eiusdem uel aliis quibuscunque super gardino suo et curtilagio extra murum Cestrie sito indebite molestari set potius ipsos in seysinam et possessionem vsitatam protegeret et defenderet.

The date is of course subsequent to Edward's investiture with the earldom of Chester in 1254 and before his departure on Crusade in 1270.

- 318.** Grant by Edward I. to the monks of Chester of a weekly market and a yearly fair lasting three days (June 10-12) in their manor of Bromborough, unless either be hurtful to neighbouring markets and fairs. February 5, 1278.

Charter Roll No. 66, 6 Edward I. No. 18.

Rex archiepiscopis etc. salutem. Sciatis nos concessisse et hac carta nostra confirmasse dilectis nobis in Christo abbati et conuentui Cestrie quod ipsi et eorum successores imperpetuum habeant unum mercatum singulis septimanis per diem lune in manerio suo de Bromburg' in comitatu Cestrie et unam feriam ibidem singulis annis per tres dies duraturam, videlicet in vigilia et in die et in crastino sancti Barnabe apostoli, nisi mercatum illud et feria illa sint ad nocumentum vicinorum mercatorum et vicinarum feriarum. Quare volumus et firmiter precipimus

pro nobis et heredibus nostris quod predicti abbas et conuentus et eorum successores imperpetuum habeant predicta mercatum et feriam apud manerium suum predictum cum omnibus libertatibus et liberis consuetudinibus ad huiusmodi mercatum et feriam pertinentibus. Nisi mercatum illud et, etc. sicut predictum est. Hiis testibus: venerabili patre R. Bathonensi et Wellensi episcopo, Henrico de Lacy, comite Lincolnie, Roberto de Tybotot, Antonio Bek, Hugone filio Ottonis, Stephano de Penecestria, Elia de Haunuille et aliis. Data per manum nostram apud Douoriam, quinto die Februarii.

- 319.** Grant by Edward I. to the abbey of a moiety of a house between its graveyard and Northgate Street in compensation for land outside the North Gate which William de la Zouche, formerly justice of Chester, used for the fortification of the city during the troublous times. September 11, 1275.

Edwardus rex Anglie filius Henrici dedit medietatem domus que sita est inter cimiterium sancte Werburge et magnam stratam que vocatur Northgate Strete in recompensacionem illius terre extra portam aquilonalem Cestrie quam Willelmus de la Suche quondam iusticiarius Cestrie tempore turbacionis regni in municionem ciuitatis conuertebat.

On March 24, 1264, when an attack upon the city by the barons and their Welsh allies was feared, William de la Zouche the justice (who is omitted in Ormerod's list, vol. i. p. 61) "instinctu cuiusdam maledicti" Robert Mercer, then sheriff of the city, destroyed houses in Bagge Lane belonging to the monks and rooted up gardens to make a ditch round the city (*Ann. Cestr.* 86, 88). The justice and David son of Gruffydd promised that the lord Edward would restore to them the value of the lands and rents, and he ordered his justice to do so on January 6, 1270, before his departure on crusade (*Cal. Inquis. Misc.* i. 379). But it was not until June 7, 1271, that an inquest *ad quod damnum* was held, and the actual compensation was deferred until Edward's first visit to Chester after his return, so that the monks had to wait eleven years for this restitution. The date is supplied from *C.P.R.* 1272-81, p. 104.

- 320.** Grant by Sir William Lancelyn, kt., to the monks of Chester of the right to dig turves sufficient for the manor of Bromborough wherever the men of Poulton Lancelyn, and Lower Bebington shall dig or be able to dig in those villis, with sufficient rights of cutting furze and gorse, etc.

Willelmus Lancelyn miles dedit monachis Cestrie liberam fossuram omnimodarum turbarum manerio de Brombur' sufficientem vbicunque homines de Pulton Lancel[yn] et de Bebinton Inferiori infra omnes diuisas predictarum uillarum foderint uel fodere poterint, cum sufficienti insecione gaunarum et gorstarum, et cum libero introitu et exitu ad ea carianda et preparanda.

The grantor was probably the second William Lancelyn, who is said to have died in 11 Edw. I. (1282-83). See Orm. ii. 444.

321. Agreement between R[obert], abbot of Chester, and John, constable of Chester, by which the latter gave to the abbey the mill of (Great) Stanney and the abbot gave to the constable that part of the lands of Weston which the Trent under Donington separates from the rest, together with the remission of 7s. out of 8s. paid yearly to the abbey from Clifton. 1163-90.

Conuenit inter R[obertum] abbatem Cestrie et Johannem constabularium, uidelicet quod dictus Johannes concessit ecclesie sancte Werburge Cestrie molendinum de Staney cum viis et pontibus et libertatibus omnibus sicut fuit antiquitus tempore Henrici regis, abbas uero R[obertus] concessit dicto Johanni totam terram illam quam fluuius Trente sub Donintona exclusit ab aliis terris que erant de pertinenciis Westone, set de illis octo solidis quas dictus Johannes debebat sancte Werburge propter Cliftonam abbas ei vii remisit et octauum sibi retinuit quem dictus Johannes annuatim reddet in Translatione sancte Werburge in recognitione antique tenure.

In 1124-29 the Earl of Chester had 22½ carucates in (Castle) Donington, Leicestershire (Round, *Feudal England*, 200). It was afterwards held of the earls by their constables, and the John de Lacy (*d.* 1190) of the above agreement founded a hospital there (Tanner, *Notitia Monastica*). If the King Henry whose time is referred to be Henry II. and not Henry I. the date of the agreement would be narrowed down to 1189-90, and abbot Robert would be Robert de Hastings (1186-94). But it is perhaps unlikely that the constable should have given the mill of Great Stanney to St. Werburgh's after his foundation of Stanlaw abbey, to which he gave that township. This would make 1178, or possibly 1172, the lower limit of time for this agreement.

Clifton in the parish of Runcorn was already held of the church of St. Werburgh by the constable of Chester (William Fitz-Nigel) in 1086 (D.B. i. 263).

- 322.** Grant by Robert, son of Hugh de Ince, to the monks of Chester of one of three oxgangs in Ince which he held of them, with meadow in Muchele Meadow and two cart-loads of hay yearly. *c.* 1250-1320.

Robertus filius Hugonis de Ynes dedit monachis Cestrie vnam bouatam terre in villa de Ynes scilicet vnam de iii bouatis quas de eis tenuit in eadem villa et quas eisdem assignauit, et totum pratum suum quod habuit in Muchele Medwe versus le Holm in territorio eiusdem ville. Item quiete clamauit ii carectatas feni annuas quas eidem dederunt.

The grantor also gave to abbot Thomas I. or II. his rights in Ince marsh (No. 855).

- 323.** Duplicate of the abstract of the gift by Ranulf II. of the tithe of his rents in the city of Chester (No. 12 above).

- 324.** Grant by Edward I. that the provision by the abbot of 100 workmen at Flint should not be drawn into a precedent. August 13, 1277.

E[dwardus] filius Henrici rex ¹ Anglie noluit quod illa accomodacio c operariorum ab abbate Cestrie apud Flynt ² sibi ex liberalitate facta trahatur ad consequentiam. [f. 19 (16) d]

Edward was at Bromborough when he made this concession (*C.P.R.* 1272-81, 226).

- 325.** Grant by William Malbank (II. ?), baron of Nantwich, to the abbey of four saltpans in its salthouse at (Nant)-wich, in addition to the eight which it already possessed. ? 1136-c. 1176.

Willelmus Maubanc dedit sancte Werburge Cestrie quatuor plumbos salis in Wico in salina sancte Werburge ad incrementum super alios octo quos antea monachi Cestrie habuerunt.

A *salina* or salthouse might contain a varying number of the leaden pans in which the brine was boiled (*Domesd. Survey of Chesh.* (Cheth. Soc. N.S.) 75, p. 41).

The identification of the grantor with the second William Malbank seems fairly certain. According to the Eaton Hall charter of Ranulf II. the salthouse was the gift of William's father Hugh (pp. 44, 57). It is true that in the founder's *Sanctorum prisca* charter it is ascribed to William Malbank I., but this entry lies under some suspicion (p. xli.).

¹ reg[is] MS.

² Harl. MS. 2062 adds "in Wallia."

The only possible reconciliation of these conflicting statements, supposing the suspicion unjustified, would be to assume that Hugh's grant was merely a confirmation of his father's, an assumption which might be thought to derive some slight support from William Malbank II.'s attribution of the gift to his "ancestors" in No. 328. Against this solution, however, is the fact that the supposed gift of the first William is omitted in the Eaton Hall recital of *Sanctorum prisca*.

- 326.** Confirmation by Earl Ranulf III. of the grant of half a salthouse at Northwich to the abbey by William de Venables (I.). 1200-08.

Hist. MSS. Comm. 10th Report, App. iv. p. 201, from the original at Over Peover Hall (not among the charters now deposited in the Rylands Library, Manchester).

Ranulfus comes Cestrie omnibus tam futuris quam presentibus salutem. Notum sit vobis me concessisse et presenti carta mea confirmasse in puram et perpetuam elemosinam Deo et ecclesie sancte Werburge in Cestria et monachis ibidem Deo seruientibus dimidiam salinam in Norwicho que adiacet Wittonie quam Willelmus de Venables eis dedit liberam et quietam ab omni terreno seruicio, sicut carta predicti Willelmi testatur. Quare volo et firmiter precipio quod predicti monachi predictam salinam in perpetuum habeant et teneant sicut liberam elemosinam absque omni vexatione et exactione et seruicio seculari. Hiis testibus, Rogero constabulario Cestrie, Radulfo de Monte alto senescallo Cestrie, Radulfo de Mesnilowarin, Roberto filio Picoti, Willelmo de Verdon, Petro clerico presencium scriptore, et multis aliis, apud Cestriam.

Double seal of white wax, equestrian figure on both sides.

In 1086 Gilbert de Venables had attached to his manor of Hartford one salthouse in (North)wich rendering 2s. and a half-salthouse which was waste (D.B. i. 267). For William de Venables see p. 217, and for his grant No. 327. For witnesses omitted see Addenda, *supra*.

- 327.** Grant by William de Venables I. to the abbey of half a salthouse in Northwich, retaining nothing but prayers for himself. c. 1154-1211.

Willelmus de Venables dedit sancte Werburge dimidiam salinam in Nortwico, nichil sibi retinens preter oraciones.

- 328.** Confirmation by William Malbank II., baron of Nantwich, to the abbey of his ancestors' gift of a salthouse in Nantwich, and his own gift of a tenement free of toll, etc.,

and confirmation of the land which the monks bought of Godwin Clech. 1136-c. 76.

Willelmus de Maubanc concessit et confirmavit ecclesie sancte Werburge donacionem quam antecessores antea donauerant de vna salina in Wico Maubanc, scilicet quod sit soluta et quieta de tol, de tem, de omni re. Item dedit vnam masuram quietam de tol, de tem, de gelt, de placitis, de pratis domini falcandis, de segetibus colligendis, de stabiliis in venacionibus, et de omnibus consuetudinibus, et eodem modo et eisdem libertatibus concessit et confirmavit terram quam monachi emerunt a Godwino Clech.

See note on No. 325. The "stabilee in venacionibus" from which, with cutting the lord's hay, gathering his crops and other services, the tenement granted was freed, was the besetting of a wood for the purpose of taking deer or other beasts. The besetting might be made with men, nets, greyhounds, sticks, or otherwise (Turner, *Select Pleas of the Forest* (Selden Soc.), 148).

329. Confirmation by William de Venables (I.) of Kinderton to the abbey of his great-grandfather Gilbert's gift of Astbury church as free and unburdened as he gave it and as the charter of Hugh the first Earl (of Chester) witnesses. ? 1154-58.

From Sampson Erdeswicke's transcript of the original, No. 16 in Sir Peter Leycester's Liber H. at Tabley Hall, Knutsford, collated with a copy by Randle Holme in Harl. MS. 2071, f. 106 (old, 100).

[Notum sit tam presentibus quam futuris quod ego]¹ Willelmus de Venables recognosco Deo et sancte Werburge ecclesiam de Estburia² ita libere et quiete sicut proauus meus Gilbertus de Venables eam dedit Deo et sancte Werburge omnino liberam et quietam ab omni re, nihil omnino retinens in ea preter oraciones, nec eciam ius aduocacionis. Teste Hugone comite Cestrie, Hugone de Lacy, W[illelm]o de Warennā, Willelmo Malmac', Willelmo Patric', Hamone³ Masci, Roberto Bannest[re], Warino de Vernon, Radulfo⁴ filio Warini, Ricardo de Luuetot, et toto comitatu ad Cestriam.

Et bene sciatis quod ego ita libere et quiete prefatam ecclesiam Deo et sancte Werburge concedo sicut carta Hugonis primi comitis testatur.

¹ Supplied from H.

² Presteburia H.

³ Hamone de Louetot et toto comitatu etc. H. A line was evidently overlooked.

⁴ Rati MS. Warini is probably an error for Warneri (see No. 21).

Armorial (?) seal on separate tag, bearings indistinct but not the later coat of Venables.

For the grant by Gilbert (I.) de Venables see above, p. 20. If, as is assumed by Ormerod (iii. 25), the third witness was King Stephen's son William, Count of Mortain, Warenne, and Boulogne (the absence of the comital title is unusual), the date of the confirmation must be prior to 1158, when he accompanied Henry II. to France, where he died in the next year. The addendum is the earliest reference to the *Sanctorum prisca* charter in its full form (see p. 28).

- 330.** Confirmation by Richard (Peché), Bishop of Coventry, to the abbey of the grant of William de Venables (I.) touching the church of Astbury. 1161-82.

Ricardus Couentrensis episcopus confirmavit donacionem quam W[illelmus] primus de Venables fecit sancte Werburge super ecclesia de Esteburia.

For the confirmation of Richard, Archbishop of Canterbury, see No. 96.

- 331.** Final concord between abbot S[imon] and William, son and heir of Sir Roger de Venables, touching the church of Astbury, William recognising that half the vill of Astbury and the advowson of the church belonged to the abbey. 1267-70.¹

Hec fuit finalis concordia facta in pleno comitatu Cestrie inter Willelmum de Venables filium et heredem domini Rogeri de Venables petentem aduocationem ecclesie de Esteburia cum pertinenciis et S[ymonem] abbatem Cestrie eam tenentem, videlicet quod dictus Willelmus recognouit medietatem ville de Esteburia et aduocationem ecclesie eiusdem cum omnibus pertinenciis esse ius ecclesie sancte Werburge ex donacione Gilberti et Willelmi de Venables antecessorum suorum . . . commune cartarum ipsius manifeste intellexit, vnde eas quiete clamauit.

On January 20, 1260, Sir Roger de Venables of Kinderton had begun proceedings in the shire court for the recovery of the advowson of the church of Astbury, and gained his case, by a "false assize," if we may trust the abbey chronicler (*Ann. Cestr.* 76; *Orm.* iii. 25, 188). The abbot's exception to the jurisdiction of the court on the ground that the church was not then vacant, as required for a writ of

¹ See No. 332.

darrein presentment, was rejected by the justice, whom the king over-ruled (Feb. 24), and inquiry was made into the existence of a vacancy (Harl. MS. 2071, f. 97 (82)). Venables asserted that Earl Ranulf III. had presented last as guardian of William de Venables. This William does not appear in the pedigree given by Ormerod (iii. 198).

332. Quitclaim by William de Venables, son of Sir Roger de Venables, of all his right and claim in a moiety of the vill of Astbury and in the advowson of its church, in accordance with his recognition in the shire court of Cheshire. 1267-70.

Willelmus de Venables filius et heres domini Rogeri de Venables confirmavit et quiete clamavit imperpetuum ius et clamium quod habuit uel aliquo modo habere potuit in medietate ville de Esteburia et aduocacione ecclesie eiusdem ville cum omnibus pertinentiis, quam quidem medietatem et aduocacionem in pleno comitatu Cestrie recognouit esse ius ecclesie sancte Werburge ex donacione Gilberti et Willelmi de Venables antecessorum suorum et ad huius securitatem sigillum domini Thome de Boulton' tunc iusticiarii Cestrie vna cum sigillo suo apponi fecit et in rotulo qui vocatur Domesday irrotulavit.

Ormerod (iii. 188) strangely assigns this renunciation to 1291-92 in the time of abbot Thomas II., apparently confusing the grantor with his namesake of Newbold who made a similar surrender to that abbot, though not so early as 1291-92 (No. 333). At some date after 1260 the abbey claimed to present to Brereton as a chapel of Astbury, alleging that abbot Walter had last presented. William de Brereton answered that, if so, it could only have been in his name when he was in ward to Richard de Sandbach. A sum of money was accepted by the abbot for a quitclaim of the advowson (Harl. MS. 2071, f. 97 (82)).

333. Final concord between William de Venables de Newbold (Astbury) and abbot Thomas II., the former recognising the right of the abbey to the advowson of Astbury church. April 21, 1299.

From Erdeswicke's copy in Tabley House MSS. Liber H. No. 8, collated with the abstract in the chartulary (Ch.).

[Hec fuit]¹ finalis concordia facta die Martis post Pascha [anno regni regis] Edwardi filii regis Henrici 27 coram Reginaldo de Grey iusticiario Cestrie, Johanne de Grey, Radulpho de Vernon,

¹ Supplied from Ch., which after "facta" reads "in pleno comitatu Cestrie," omitting all names but Grey's. It has "Newbolt" and "Esteburia."

Hugone de Venables, Ricardo de Masci, Patricio de Haselwell, Ricardo de Sondbach, et Johanne Boydel, militibus, et inter Willelmum de Venables de Newbold querentem et abbatem sancte Werburge Cestrie deforciantem aduocationem ecclesie beate Marie de Astbury, unde placitum summonitum fuit inter eos in eadem curia per breue de recto, predictus abbas inde posuit se in magnam assisam domini regis et petit recognitionem fieri utrum ipse maius ius habeat tenendi aduocationem de Astbury vt ius suum et ius ecclesie sue, sicut tenetur; a predicto Willelmo de Venables similiter; videlicet, quod predictus Willelmus cognouit aduocationem predictam esse ius ipsius abbatis,¹ unde eam remisit et quiete clamauit de se et heredibus suis dicto abbati et successoribus suis imperpetuum et ad eam warentizandum se et heredes suos obligauit,² et pro hac re [abbas] dedit viginti libras Willelmo et remisit quinquaginta marcas.

The plaintiff was the head of a younger branch of the Venables of Kinderton which they had enfeoffed at Newbold. Their claim was bought off in this concord. Ormerod (iii. 22) gives the date as Thursday before Easter, *i.e.* April 16. The date in the text is proved to be correct by reference to the account of the proceedings on the Chester Plea Roll (27 Edward I. m. 13*d*), which for comparison and for its light on the genealogy of the Venables of Newbold and on Astbury church may be worth printing here with some curtailment of repetitions³:

[Pleas on Thursday next after the feast of St. Valentine, 27 Edward I.] Willelmus de Venables de Neubold petit uersus abbatem Cestrie aduocationem ecclesie beate Marie de Asteburia per breue de recto quam dictus abbas ei iniuste deforciauit. Et vnde quidam antecessor suus Ricardus de Venables fuit seisisus vt de feodo et iure tempore pacis tempore regis Henrici patris regis E. qui nunc est, et qui eodem tempore presentauit ad eandem ecclesiam quendam clericum suum Willelmum de Windleshors, qui ad presentacionem suam fuit admissus per episcopum et institutus in eadem, capiendo inde explecias vt in decimis, oblacionibus et aliis dicte ecclesie exitibus ad valenciam dimidii marce et amplius ut de feodo et iure *etc.* De Ricardo descendit ius et debuit descendere cuidam Ricardo ut filio et heredi. De Ricardo, quia obiit sine herede de se, descendit ius etc. Thome ut fratri et heredi. De Thoma descendit ius etc. Roberto ut filio et heredi. De Roberto, quia obiit sine herede de se, Ricardo ut fratri et heredi. De Ricardo, quia obiit etc., Thome vt fratri et heredi. De

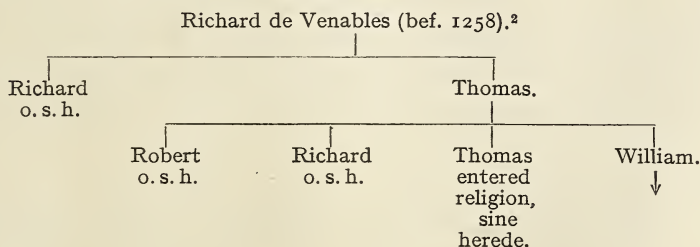
¹ From here to obligauit the wording is much abbreviated by Erdeswicke.

² See No. 334.

³ The "*etc.*" of the record itself is distinguished by the use of italics. Fuller details of the litigation, especially of the abbot's case, are given by Miss E. K. McConnel, from the Aston Roll (p. xxx. *n.* above), in *Trans. Hist. Soc.* (N.S.) 55, pp. 52-6. The fifty marks remitted were the damages awarded to the abbey in a first trial. Miss McConnel drew attention to the new light on the Venables of Newbold pedigree.

Thoma, quia suscepit habitum religionis, nullo herede relicto de se, descendit ius etc. isti Willelmo qui nunc petit vt fratri et heredi. Et quod tale sit ius suum, offert, etc. Et predictus abbas venit et defendit vim etc. et ius predicti Willelmi precise et seisina Ricardi antecessoris sui ut de feodo et iure de aduocatione ecclesie, etc.,¹ et ponit se in magnam assisam domini regis et petit etc. [as in the final concord down to ecclesie sue] sicut eam tenet, an predictus Willelmus habendi de seisina Ricardi antecessoris sui sicut eam petit. Et predictus Willelmus similiter. Ideo elegantur quatuor milites ad eligandum magnam assisam, etc. Et sunt quatuor milites electi de consensu partium, videlicet Ricardus de Mascy, Petrus de Haselwell', Willelmus de Brereton, Ricardus de Sondbach ad eligandum, etc. Ideo pre. est vicecom. quod summoneat eos quod sint hic ad proximum comitatum ad faciendum electionem predictam. Idem dies datus est predictis partibus. Ad quem comitatum, videlicet, die Martis in septimana Pasche anno r. E. xxvii predicti milites summoniti venerunt, et similiter predictae partes, et concordati sunt sub hac forma. Videlicet quod predictus Willelmus pro se et heredibus suis concessit dicto Thome abbati etc. et ecclesie sue et successoribus suis aduocationem etc. et illam remisit et quietum clamauit de se etc. [as in the concord], et preterea idem Willelmus et heredes sui aduocationem ecclesie predictae etc. predicto abbati etc. contra omnes gentes warantizabunt, aquietabunt et defendent. Et habeant cirographum. Et ne in ista concessione, remissione et quieta clamacione fiat preiudicium statuto pro mortua manu, inquiratur ex officio curie vtrum predictus abbas et predecessores sui fuerunt seisis de aduocatione predictae ecclesie etc. ante statutum vel non. Jurati dicunt super sacramentum suum quod predictus abbas etc. fuerunt seisis de aduocatione etc. ut de iure ecclesie sue etc. et ad eandem ecclesiam clericos suos presentauerunt ante statutum et post sine interrupcione. Ideo leuetur finis.

The three generations of the Venables of Newbold given in this document furnish the following pedigree :



334. Quitclaim by William de Venables of Newbold (Astbury) to abbot Thomas II. of all right and claim in the advowson of Astbury church. April 21, 1299.

Harl. MS. 2071, f. 113d.

¹ There seems to be a word or words omitted in the sentence ending here.

² He was still alive in 1259-60 (Orm. iii. 22).

Omnibus Christi fidelibus ad quos presens scriptum peruenerit Willelmus de Venables de Newbold salutem in Domino. Nouerit uniuersitas uestra me concessisse remisisse et omnino quietum-clamasse pro me et heredibus meis Thome abbati sancte Werburge Cestrensis et successoribus suis imperpetuum totum ius et clamium quod habui uel habere potui aliquo modo in aduocatione ecclesie beate Marie de Astbury, ita quod nec ego nec heredes mei de cetero aliquid iuris uel clamii in predicta aduocatione exigere uel vindicare poterimus. Et ego predictus Willelmus de Venables de Newbold et heredes mei predicto abbati et successoribus suis predictam aduocationem ecclesie contra omnes gentes warantizabimus imperpetuum. In cuius rei testimonium presenti scripto sigillum meum apposui. Hiis testibus: Johanne de Grey, Ranulfo de Vernon, Johanne de Boydle, Ricardo de Mascy, Patricio de Hesewall, Willelmo de Brereton et Ricardo de Sondbach milit[ibus], Willelmo Gerrard, Roberto de Brescy, Philippo de Egerton, Jacobo de Pull et aliis.

- 335.** Quitclaim by Sir Hamon de Massey, kt., to the abbey of all right and claim in the vill of Northenden and the advowson of its church. c. 1288-1341.

Hamo de Masci miles quiete clamauit imperpetuum ecclesie sancte Werburge totum ius et clamium quod habuit uel habere potuit in villa de Norworthin et aduocatione ecclesie eiusdem cum omnibus iuribus suis et pertinenciis.

The grantor was probably the last baron of Dunham, but he may only have been confirming an earlier grant. See Nos. 87-8. The estate in Northenden thus acquired by the abbey is thought to have been the moiety held in 1086 by Ranulf (? de Mesnilwarin) which had been afterwards transferred to the Masseys (D.B. i. 268; Orm. iii. 604).

- 336.** Final concord in the king's court at Westminster between Philip Burnell and Isabel (Patrick) his wife, plaintiffs, and abbot Simon, tenant, of the manors of Saughton, Huntington, Cheveley, and Boughton, by which the plaintiffs recognised these manors to be the right of the abbey, etc. November 18, 1281.

Hec fuit concordia facta in curia domini regis apud Westmonasterium in octauis sancti Martini anno regni regis E[dwardi] filii regis Henrici ix^o coram ipso domino rege, Hugone filio Ottonis senescallo, Radulpho de Hengham et aliis iusticiariis,

inter Philippum Burnel et Ysabellam uxorem eius petentes, et Symonem abbatem Cestrie tenentem, de maneriis de Saluton, Huntindon, Cheueley et Bogthon, cum pertinenciis, vnde placitum fuit inter eos in eadem curia, scilicet quod predicti Philippus et Isabella recognouit predicta maneria cum pertinenciis esse ius ipsius abbatis et ecclesie sancte Werburge Cestrie et illa remiserunt et quiete clamauerunt de se et heredibus ipsius Ysabelle dicto abbati et successoribus suis et ecclesie sue predictae imperpetuum; et idem abbas recepit predictos Philippum et Isabellam et heredes ipsius Isabelle in singulis beneficiis et oracionibus que de cetero fient in ecclesia sua predicta imperpetuum.

Although the four manors in question had been held by the canons of St. Werburgh before the Conquest, and had been confirmed to the abbey by Earl Hugh I. (No. 3, p. 16), Sir Philip Burnell, nephew of Edward I.'s well-known chancellor, Robert Burnell, claimed them as part of the inheritance of his wife Isabel, heiress of three-fourths of the barony of Malpas (Orm. ii. 598, 769). The case was first tried at Chester, but on September 1, 1281, a royal writ ordered the justice of Chester to send the process and writs to Westminster. He is said to have declined to send anything but the writs (Harl. MS. 2148, f. 49d (64d)).

This and the two documents which follow shed a slight ray of light upon the perplexed pedigree of the Burnells. It is clear that the husband of Isabella Patric of Malpas was the Philip Burnell who with his kinsman William and other knights was drowned in the Menai Straits on November 6, 1282 (*Ann. Cestr.* 110), and, assuming the identity of the Philip of No. 338 with the claimant of 1281, that he was a nephew of the royal chancellor. Robert Burnell had another nephew Philip (son of his younger brother Hugh) who became his heir, but, as he was not born until about 1267, he was evidently not the claimant in question. A difficulty is raised, however, by the statement of contemporary chronicles that the two Burnells who perished in 1282 were brothers of the chancellor (Trivet, 305; Rishanger, 102). Mr. Eyton not only accepted this relationship, reasonably enough on the evidence before him, but identified this Philip with one who occurs as early as 1249 (*Antiq. of Shropshire*, vi. 132, 134), which is surprising in view of the fact that Robert, whom Eyton supposed to be his elder brother, is first mentioned in 1260 (*D.N.B.*). The solution seems to be supplied and our inference from No. 338 confirmed by a statement of Dugdale (*Bar.* ii. 60), from Robert Glover's collections, that the Philip who was drowned was the son of Philip, brother of Robert and William. The chroniclers apparently confused the son with the father. As the chancellor was declared heir of the Philip whom we may now safely regard as his nephew

(*Cal. Inq. P.M.* ii. 428, 453), the latter's father and namesake must have died before November 1282. He was probably elder brother of Robert, and not his second brother as Eyton supposed. This would account for Robert's being brought up as a churchman and lawyer.

No money consideration is expressed in the abstract of the agreement between Burnell and the abbey, or in the quitclaim (No. 337). Ormerod took No. 338 to mean that the chancellor and his nephew extorted from abbot Simon a bond for £200 in return for the surrender of their claim. If he was right, and the bitterness of the scribe's comment lends him some support, it must be supposed that the bond promised repayment of a fictitious loan.

[f. 20 (17).] **337.** Quitclaim by Sir Philip Burnell and his wife Isabel, daughter and heir of William Patrick, of all right and claim in the manors of Saughton, etc. (as in No. 336). 1281.

Philippus Burnel miles et Ysabella uxor eius, filia et heres Willelmi Patrick, quiete clamauerunt imperpetuum ecclesie sancte Werburge totum ius et clamium quod habuerunt uel alico modo habere potuerunt, aut ipsi Ysabelle aut heredibus ipsius alico casu poterit accidere, in maneriis de Saluton, Cheueley, Hontindon et Bogthon, cum pertinenciis, de quibus abbatem Cestrie per breue de recto in curia domini regis Cestrie¹ implacitauerunt, ita vt dicta maneria sancte Werburge sint adeo libera et quieta et soluta ab omni seculari seruicio quod ad se uel heredes suos pertinet uel pertinere posset sicut ea ex dono Hugonis quondam comitis Cestrie² monachi Cestrie² melius et quietius habuerunt et tenuerunt, et hanc quietam clamacionem in magno rotulo comitatus Cestrie qui vocatur Domesday irrotulari fecerunt.

338. Receipt by Robert Burnell, Bishop of Bath, to the monks of Chester for £200 sterling in which they were bound (by a loan) to his nephew, Sir Philip Burnell, and to himself (cf. No. 336), and for which they shall find two chaplains to celebrate in the abbey for the soul of the said Philip: "May God with his own balance allot these celebrations to those to whom they are due." 1282-1292.

Robertus Bathoniensis episcopus fatebatur quod monachi Cestrie satisfecerant ei plene de ducentis libris sterlingorum in quibus tenebantur ex mutuo domino Philippo Burnel nepoti suo et sibi, pro quibus, vt dixit, inuenient duos capellanos imper-

¹ See No. 336, note.

² Interlined in another contemporary hand.

petuum celebrantes in suo monasterio pro anima dicti Philippi. Has celebrationes diuidat Deus lance propria quibus debentur.

339. Indenture between abbot T[homas (II.)] and John de Golburne concerning the heath near Assedale.¹

340. Grant by Philip Burnell and Isabel (of Malpas) his wife to the monks of Chester of a spring in their field of Christleton, a plot of land around it, and easements for the pipes conveying the water to the monastery. Before November 1282.

Philippus Burnel et Isabella uxor eius, filia et heres domini Willelmi Patric, dederunt quemdam ortum aque² in campo suo de Cristelton monachis Cestrie ad monasterium suum deducende, et quamdam placeam terre circa dictum fontem xx pedum in longitudine et totidem in latitudine ad includendum et edificandum et omne commodum suum inde faciendum, cum omnibus libertatibus et commoditatibus quas aqueductus predicti fontis requirit, et licenciam ducendi ipsam aquam per terras suas et ipsas aperiendi ad fistulas imponendas et emendandas quociens opus fuerit; et hunc ortum aque imperpetuum warantizabunt.

See No. 336. The cistern in the centre of the cloisters which received the water was called the "sprice" (Orm. i. 256).

341. Confirmation of the preceding gift by Rotheric ap Gruffydd (ap Llewelyn) and Beatrice (of Malpas) his wife. Before September 1283.

Rothericus filius Griffini et Beatrix vxor eius quiete clamauerunt ecclesie sancte Werburge totum ius et clamium quod habuerunt in fonte aque in campo de Cristelton prope diuisas ipsius campi et campi de Boghton, cum omnibus libertatibus et commoditatibus quas ipse fons uel eius aqueductus requirit, prout in carta domini Philippi Burnel et Isabelle uxoris eius continetur.

Beatrice (de Malpas) was mother of Isabel Burnell by her first husband, William Patrick of Malpas (Orm. ii. 598).

¹ The indenture is cancelled and partly erased. It is not in Harl. 2062. In 1304 John, son of William de Goldburn, complained that abbot Thomas (II.) and others had disseised him of his free tenement in Goldburn, but eventually did not prosecute (Harl. MS. 2148, f. 58 (73)).

² Afterwards known as the Abbot's Well (Orm. ii. 778). See No. 343.

342. Grant by Robert, son of Adam of Christleton, to the abbey of his rights in the above spring.

Robertus filius Ade de Cristleton et Willelmus filius eius dederunt ecclesie sancte Werburge totum ius et clamium quod habuerunt in quodam ortu aque in campo de Cristleton, cum omnibus libertatibus et commoditatibus quas ipse ortus aque et eius conductus requirit.

343. Licence ¹ by Edward I. to the monks of Chester to carry their conduit (No. 340) from Christleton through their own and others' lands and through the city wall, provided they repair all damage. September 15, 1283.

Edwardus rex Anglie filius Henrici regis concessit monachis Cestrie quod aqueductum suum de fonte suo in campo ² de Cristelton scaturiente usque ad abbaciam suam possint deducere per terras suas et terras aliorum, et per murum ciuitatis, ita quod terras apertas si necesse fuerit obstruant et murum urbis fractum reficiant.

The licence was granted at Macclesfield after an inquest *ad quod damnum* by Reginald de Grey, "justice of Chester (*C.P.R.* 1281-92, p. 75). For the cutting of the pipes by Randle de Merton in 1285 see *Orm.* ii. 176.

A similar licence for a conduit from Newton had been obtained in 1278 (*C.P.R.* 1272-81, p. 279).

343a. Licence by Edward I. to the abbot and convent to pierce the city wall for a gutter to their garden without the wall, provided they repair any damage done to it. September 10, 1275.

From Harl. MS. 2071, f. 21d (old, 8d).

Edwardus Dei gratia rex Anglie, dominus Hibernie, dux Aquitanie, omnibus ad quos presentes littere peruenerint salutem. Sciatis quod nos concessimus pro nobis et heredibus nostris dilectis nobis in Christo abbati et conuentui sancte Wereburge Cestrensis quod murum uille Cestrie contiguum abbacie sue penetrare et quamdam gutteriam transeuntem ab abbacia predicta per medium muri predicti usque in ortum eiusdem abbacie facere possint et gutteriam illam sic factam habeant et teneant sibi et successoribus suis imperpetuum sine contradictione uel impedimento nostrum et heredum uel ministrorum nostrorum.

¹ Called "duplex carta" in the heading.

² campis Pat. R.

ita quod murum predictum taliter reparari faciant quod dampnum seu periculum nobis seu uille predicte non imineat occasione guttere supradicte. In cuius rei testimonium has litteras nostras fieri fecimus patentes. Teste meipso apud Teruyn decimo die Septembris anno regni nostri tercio.

Drawing of seal—legend broken off.

Edward visited Cheshire in 1275 to negotiate with Llewelyn of Wales, and was at the episcopal manor of Tarvin when he granted this licence.

344. Agreement between abbot T[homas II.] and the convent of Chester, lords of Tilstone Fearnall, and Matthew de Alpraham, by which a disputed plot of heath was recognised as belonging to the abbot and convent, but (save four acres) was to remain uncultivated and in common between the vills of Tilstone and Alpraham, Matthew conceding that his own waste between the two vills should also lie uncultivated and in common between them. April 30, 1310.

Cum inter T[homam] abbatem Cestrie et eiusdem loci conventum, dominos de Tidulstan, ex parte vna, et Matheum de Alpraham ex altera, contencio fuisset suborta super quadam placea bruere iacente infra diuisas subscriptas, incipiendo, videlicet, iuxta viam regiam a quodam sicheto ex transuerso eiusdem vie regie decurrente in Tidulstan Pol et eciam ascendendo per idem sichetum usque ad quemdam locum qui vocatur Henneshawe, et inde linealiter procedendo iuxta domum Roberti de Wetenhale usque ad quemdam lacum qui vocatur le Dedelache qui quidem lacus facit bundam inter Tidulstan et Alpraham, et inde circueundo per quoddam aliud sichetum usque ad quoddam uetus fossatum, et per dictum vetus fossatum descendendo ad dictam viam regiam, et sic dictam viam regiam sequendo ad prefatum sichetum in Tidulstanpol decurrens, quam quidem placeam bruere infra omnes predictas diuisas prefati abbas et conuentus clamauerunt esse solum¹ suum in villa sua de Tidulstan, [f. 20 (17) d.] et predictus² Matheus dictam brueram clamauit esse solum suum in villa de Alpraham. Tandem apud Salgton die Jovis in vigilia Apostolorum Philippi et Jacobi anno regni regis Edwardi filii regis Edwardi tercio dicta contentio quieuit in hunc modum, videlicet quod predictus Matheus pro se et heredibus suis et assignatis cognouit se nichil iuris uel clamii habere in dicta

¹ solium MS.

² predictum MS. ; corrected from Harl. 2062.

placea bruere infra dictas diuisas, set et totam illam placeam bruere infra dictas metas fatebatur esse solum dictorum abbatis et conuentus in villa sua de Tidulstan. Et quod postquam prefati abbas et conuentus mensurassent latitudinem quatuor acrarum inter dictum sichetum in¹ Tidulstan Pol decurrens et campum de Tidulstan ex inferiori parte dicte regie vie, quicquid deesset longitudinis illarum quatuor acrarum compleretur in dicta placea litigiosa uersus Henneshawe ex altera parte dicte vie regie.

Prefati uero abbas et conuentus pro se et eorum successoribus concesserunt quod dicta placea litigiosa, exceptis predictis quatuor acris, iacebit inculta et in communi inter dictas villas de Tidulstan et Alpraham imperpetuum. Et predictus Matheus pro se et heredibus suis et assignatis concessit quod totum vastum suum inter Alpraham et Tidulstan iacebit similiter incultum et in communi inter predictas villas Tidulstan et Alpraham imperpetuum, vnde utreque partes sigilla sua apposuerunt.

Tilstone Fearnall was given to the abbey by Robert de Tremons in the time of Earl Hugh I. (above, p. 20). Matthew de Alpraham lived until 1313 or 1314 (Orm. ii. 279). For a contemporary agreement with the Wettenhall family on their claims in Tilstone see the next charter, and for other Tilstone charters Nos. 548-52.

344a. Surrender by Richard de Wettenhall and Peter his son to the abbey of all right and claim in the lordship of the waste, etc., of Tilstone Fearnall, saving to them common of turbary and pasture for their tenants in that township. 1310-II.

From Harl. MS. 2062, f. 30.

² Uniuersis Christi fidelibus ad quorum notitiam hoc presens scriptum peruenerit Ricardus de Wetenhale et Petrus filius eiusdem Ricardi salutem in Domino sempiternam. Nouerit uniuersitas uestra quod cum inter religiosos viros dominum Thomam abbatem sancte Werburge Cestrensis et eiusdem loci conuentum ex parte vna, et nos dictos Ricardum et Petrum de Wetenhale ex altera, mota esset [contentio] de quarta parte vasti, bruere, pasture, turbarie et bosci ville de Tidelistan, Nos dicti Ricardus et Petrus bene perpendentes et manifeste cognoscentes nos in dicta villa esse tenentes dictorum abbatis et conuentus

¹ in, et MS.

² Four or five words at the end of each line were illegible, but by reviving the ink most of them have been read.

de certis terris et tenementis que de eis tenemus per certa seruitia eisdem religiosis annuatim facienda, et dominium seu propartem domini aliqualis ibidem de vastis, brueris, pasturis, turbariis seu boscis dicte ville habere nullimodum, remisimus et omnino quietum clamauimus de nobis et heredibus nostris imperpetuum dictis Abbati et conuentui et eorum successoribus imperpetuum totum ius et clameum quod habuimus vel aliquo modo habere potuimus in dominio et proprietate seu parce[na]ria vastorum, bruerarum, pasturarum, turbariarum et boscorum totius predictae ville de Tidelistan, salua nobis et heredibus nostris communia turbarie, videlicet, Reptorf¹ in [mora ?] predictae ville de Tidelistan per visum et liberationem balliui dictorum religiosorum qui pro tempore fuerit pro nouem astris tenentium² nostrorum in dicta villa residentium, cum libero introitu et exitu, capiende et asportande absque donatione vel vendicacione. Ita quod si dictus balliuus qui pro tempore fuerit liberationem dicte turbarie post [racionabilem] premunionem sibi factam dictis tenentibus facere distulerit tunc bene liceat dictis tenentibus vel eorum cuicumque licite et sine calumpnia turbariam predictam absque visu et liberatione capere et asportare, salua eciam nobis et heredibus nostris communia pasture in predictis tenementis secundum quantitatem [? terrarum] et ten[ementorum] que de eis tenemus in dicta villa imperpetuum. Quare volumus et concedimus quod nos et heredes nostri ab omni iure et actione de predicta q[ua]rta parte et] dominio dicte ville vt in vastis, brueris, pasturis, turbariis et boscis predictis sumus extranei et exclusi imperpetuum, saluis nobis et heredibus nostris predictis [communis] turbarie et pasture sicut predictum est. Et saluis nobis libero chimino ad molendinum nostrum ibidem et terra et terricidio³ pro stagno dicti molendini reparando sicut nos et antecessores nostri capere et habere solebamus. In cuius rei testimonium hiis scriptis indentatis tam sigilla dictorum abbatibus et conuentus quam sigilla nostra vtrouque sunt appensa, hiis testibus, domino Pagano Tibot tunc Justiciario Cestrie, dominis Johanne de Ardena et [? Roberto] de Pulford, militibus, Ricardo de Fouleshurste tunc vicecomite Cestrascire, Johanne de Legh, Willelmo de Modburlegh, Willelmo de Bulkel[egh] et multis aliis.

This agreement is copied on a slip of parchment in a hand apparently of the fifteenth century and inserted at the end of the transcript of the chartulary in Harl. MS. 2062. There is a later note of its date,

¹ Initial letter doubtful.

² tenementum MS.

³ Terricidio MS. See No. 55, p. 98.

4 Edw. II., and an endorsement, "Fiat scrutacio pro Thoma Dawesone¹ de Wico Malb." The date is supported by a comparison of the years of Tibotot's justiceship (p. vi) and those of Fouleshurst's tenure of the sheriff's office (Orm. i. 71). Also it was in 4 Edw. II. that the abbey, after an inquest *ad quod damnum*, granted nine acres of land and one acre of moor in Tilstone Fearnall in fee-simple to Peter de Wettenhall (*ibid.* ii. 278).

The family of Wettenhall of Wettenhall were superior lords of the adjoining township of Alpraham, and members of it married three of the co-heiresses of Matthew de Alpraham who had made a contemporary agreement with abbot Thomas II. (No. 344). One of them was Robert, son of Richard de Wettenhall (Orm. ii. 279); but Peter, son of Richard, does not appear in Ormerod's pedigree (*ibid.* 195), the above document being unknown to the Cheshire historians.

345. Licence by Edward, eldest son of Henry III., to the monks of Chester to fortify their manor of Saughton. 1254-70.

Edwardus illustris regis Henrici primogenitus concessit monachis Cestrie quod licite possent firmare manerium suum de Salghton, et firmatum imperpetuum possidere.

Ormerod (ii. 770) mentions the licence to crenellate granted by Richard II. on March 18, 1399 (*Cal. Pat. R.* 1396-99, p. 552), but not this earlier one.

346. Grant of free warren by Henry III. to the monks of Chester in their demesne lands of Saughton, Huntington, and Cheveley. May 4, 1244.

Henricus rex Anglie concessit monachis Cestrie imperpetuum quod habeant liberam warennam in omnibus dominicis terris suis de Salghton, Hundindon et Cheueleye, ita quod nullus terras illas intrare possit ad fugandum in eis uel aliquid capiendum quod ad liberam warennam pertineat² sine licencia eorum super satisfacturam x librarum.

See *Cal. Charter R.* i. 277.

347. Grant of free warren by Edward I. to the monks of Chester in their demesne lands in Weston and Aston-upon-Trent, Shardlow, (Great) Wilne, Morley, Smalley, and Kidsley, co. Derby; and Prestbury, Lawton, Goostrey, Barnshaw,

¹ A Thomas Daweson was a commissioner to keep the peace in the hundred of Wich Malbank, October 18, 1445 (Hall, *Nantwich*, 94).

² Hares, foxes, rabbits, pheasants, etc. (Turner, *Select Pleas of the Forest* (Selden Soc.), cxxviii. sqq.).

Lees, Iddinshall, Abbot's Cotton (Ordrichescotes), Boughton, Newton, Upton, Wervin, and Moston in the county of Chester, provided the land be not within the bounds of his forest. August 12, 1295.

Edwardus filius Henrici rex Anglie concessit monachis Cestrie imperpetuum quod habeant liberam warennam in omnibus dominicis terris suis de Weston, Aston, Schardelowe, Wilne, Morlegh', Smalleeye, Kydesleye¹ in comitatu Derbeye, Prestebury, Lauton, Gostre, Berlesshawe,² Leghes,³ Ydinchale, Ordrichescotes, Bocton, Neuton, Vptun, Wyruin et Morston in comitatu Cestrie, dum tamen terre ille non sint infra metas foreste sue, ita quod nullus intrare possit terras illas ad fugandum in eis uel ad aliquid capiendum quod ad warennam pertineat sine licencia dictorum monachorum super forisfacturam x librarum.

The date and correct forms of three corrupt names are supplied from *Cal. Charter R.* ii. 460. For Ordrichescotes see above, p. 33, and Nos. 838-40.

348. Remission by Earl Hugh II. to the abbey of all service due to him from Greasby. 1153-81.

Hugo comes Cestrie remisit imperpetuum omne seruicium quod Grauesby sibi facere debuit, ita quod omnino sit libera et soluta ab omni seruicio sibi debito.

For the charter of Richard and Robert de Rullos confirming the gift of Greasby to the abbey in free alms by their father, R. de Rullos, see above, p. 78.

349. Grant by Earl Ranulf II. to the abbey of Eastham and Bromborough, as compensation for injuries done to the house by him. ? December 1153.

From St. George's Chapel, Windsor, MS. xi. E 5 (*inspeximus* of 1280), collated with the royal *inspeximus* in Charter Roll 73, 13 Edward I. m. 11, No. 38.⁴ Pd. (from C.R.) in Dugd. *Mon.* ii. 388, No. X.; and Orm. ii. 405.

Rannulphus comes Cestrie episcopo Cestrie, archidiacono, omnibusque sancte ecclesie filiis, necnon et⁵ constabulario, dapifero, iusticiariis, baronibus, vicecomitibus, ministris et baliuis, et omni-

¹ Ludesleg' MS.

² Herlesshawe MS.

³ Loges MS.

⁴ The variations are curious. Comparison with Henry II.'s confirmation (No. 350) tends to support the Windsor text as nearer the original, though apparently imperfect in its list of witnesses, as it is in other cases.

⁵ sancte Dei ecclesie veñ (*sic*) et C.R.

bus hominibus et amicis suis salutem. Nostis quidem . . . quanta mala feci¹ rebus sancte Werburge quorum omnium² in fine penitenciam agens, dedi Deo et sancte Werburge³ pro salute anime mee et pro satisfaccione omnium⁴ malorum predicte ecclesie a me illatorum Estham et Brumburg'⁵ in perpetuam elemosinam cum cunctis suis adiacenciis⁶ in hominibus, in ecclesiis et terris, in aquis⁷ et piscacionibus,⁸ in siluis, et omnibus consuetudinibus, sicut ego habui eas die qua ego fui viuus et mortuus. Quapropter volo et firmiter cunctis meis super fidem mihi debitam precipio⁹ ut hec mea elemosina pro salute et absolucione¹⁰ mea data sit, sicut decet, ab omni re soluta et libera; et si quisque vestrum, siue heres siue alius, diminuerit¹¹ eam in aliquo, ipse Deus eum diminuatur, destruat, et destructum cum diabolo condempnet.¹² Testibus, Waltero episcopo,¹³ Willelmo¹⁴ abbate Rademore, [Roberto priore de Calke],¹⁵ Johanne capellano, Eustachio filio Johannis, Symone filio Willelmi, [Willelmo de Greille],¹⁵ Ricardo pincerna, Hugone aucipite, Roberto de Buscheruile,¹⁶ Roberto filio Hugonis, Symone filio Osberni, apud Gresel'.

The grant was confirmed by Walter, Bishop of Coventry (No. 100), Archbishop Theobald (No. 101), and Henry II. (No. 350).

The nature and extent of the injuries which Ranulf had done to the abbey are not known. Perhaps some of its Welsh property was diverted to his new foundation at Basingwerk; Holywell church certainly passed into its possession for a time (No. 354, n.). The abbey's interests may also have suffered by the earl's establishment of the nunnery of St. Mary at Chester (*C.P.R.* 1399-1401, p. 296 *sqq.*).

Eight of the witnesses also attest Ranulf's Trentham charter (*Mon.* vi. 397) at Gresley; and Mr. Eyton came to the conclusion that both charters were granted immediately before the earl's death in December 1153, which probably took place at Gresley (Sitwell, *Barons of Pulford*, 63). The second and third witnesses were heads of houses in which the earl or his wife was interested (*Mon.* v. 406, 443; vi. 598); Eustace fitz-John was his constable, Simon fitz-William, a Lincolnshire tenant and father of Philip de Kyme (p. 67), and Simon fitz-Osbern, ancestor

¹ Notum est vobis quod multum forefeci C.R. There is a contracted word in the Windsor MS. which I cannot read, nor could Randle Holme.

² quorum omnium unde C.R.

³ Wereburge C.R.

⁴ omnium om. C.R.

⁵ Bruneburgh C.R.

⁶ pertinenciis C.R.

⁷ in terris et aquis C.R.

⁸ et piscacionibus om. C.R.

⁹ firmiter precipio super fidem et amorem mihi debitum C.R.

¹⁰ satisfaccione C.R.

¹¹ et si quis diminuerit C.R.

¹² et . . . condempnet om. C.R.

¹³ Waltero episcopo om. C.R.

¹⁴ Waltero MS. Corrected from C.R. from which also some of the names have been extended.

¹⁵ Supplied from C.R.

¹⁶ Buers MS.; corrected from C.R.

of the barons of Pulford in Cheshire and lords of Ormesby in Lincolnshire (Sitwell, *op. cit.* 88). He was grandson of the Hugh fitz-Osbern of Domesday and the *Sanctorum prisca* charter of Earl Hugh I.

350. Confirmation by Henry II. of the gift of Eastham and Bromborough to the abbey by Earl Ranulf II. (No. 349). July (?) 1155.

Charter Roll 73, 13 Edward I. m. 11, No. 38, collated with St. George's Chapel, Windsor, MS. xi. E 5. Pd. in *Cal. Charter R.* ii. 317.

Henricus rex Anglorum, et dux Normannorum et Aquitanorum, et comes Andegauorum, archiepiscopis, episcopis, comitibus, baronibus, iusticiariis, vicecomitibus, et omnibus fidelibus suis salutem. Sciatis me concessisse et in perpetuam elemosinam confirmasse ecclesie sancte Wereburge Cestrie, et monachis ibidem Deo seruientibus donacionem quam Randulfus¹ comes Cestrie eis fecit, scilicet, Estham et Brunburg² cum cunctis suis adiacenciis et in hominibus et in ecclesiis et in terris et in aquis et piscacionibus et in siluis et in consuetudinibus omnibus, sicut carta comitis testatur. Quare volo et firmiter precipio quod prefata ecclesia et predicti monachi bene et in pace, libere et quiete et honorifice, has prefatas terras cum omnibus libertatibus et liberis consuetudinibus teneant, ne super hoc aliquis inde iniuriam vel contumeliam aliquam facere presumat. Testibus, Waltero episcopo Cestrensi, Thoma cancellario, Reginaldo comite Cornubie, Ricardo de Humethz,³ Willelmo⁴ filio Hamonis, Henrico de Essexia,⁵ Ricardo de Luci, Frogero archidiacono, apud Bruge.

The date of this confirmation is fixed by the king's presence at Bridgenorth, in which he was besieging Hugh de Mortimer (Eyton, *Itin. of Hen. II.* 10). Earl Hugh of Chester was a witness of another charter which passed during this siege (Farrer, *Lancashire Pipe Rolls*, 284).

Froger was Archdeacon of Derby. He afterwards became Bishop of Sées in Normandy (1157-84).

351. Restoration by William II., constable of Chester, to the abbey of Raby as a prebend of ancient gift, his father William (Fitz-Nigel) having given to it half Raby in exchange for a third part of Neston which was anciently a prebend of St. Werburgh. c. 1130-50.

Charter Roll 73, 13 Edward I. m. 10, No. 38. Pd. in *Cal. Charter R.* ii. 317.

¹ Rann' W.

² Brumburh W.

³ Humez W.

⁴ Ricardo *Cal. Chart. R.*

⁵ Essexia W.

Noscant tam presentes quam futuri quod ego Willelmus constabularius reddo Rabi Deo et sancte Wereburge et fratribus, et concedo imperpetuum solutam et quietam de omnibus serviciis et de omnibus calumpniis, pro anima patris mei et matris mee et pro salute mea, sicut prebendam Deo et sancte Wereburge antiquitus datam. Certum namque est quod pater meus Willelmus constabularius dedit dimidiam Rabi, que erat de feodo suo, domino abbati Ricardo et ecclesie pro tertia parte Neston, que erat antiquitus prebenda sancte Wereburge.¹ Testibus, Roberto dapifero, Gilberto capellano, Normanno clerico, Radulfo Sage Johanne, Adam iusticia comitis, Roberto de Perapunt, Gef[] hostiario, Hardwino dapifero constabularii, Gilberto filio Mundrei, Orm sithareda, Orm filio Wlurici, Roberto filio Wiberni, Duninggo filio Wlueri et Roberto filio suo, Helemunt de Idighala,² sicut testatur carta abbacie sancte Werburge Cestrie.

On the eve of the Norman Conquest the adjacent vills of Great Neston and Raby are found divided between the canons of St. Werburgh and a certain Earne who held two-thirds and one-half of their hidage respectively. Earne's shares passed with his other estates at the Conquest to William Fitz-Nigel, constable of Earl Hugh I., who also became undertenant of the canons' shares (*Domesday Survey of Cheshire* (Cheth. Soc.), 75, pp. 97, 166-7). From the above charter we learn that William afterwards made an exchange with Richard of Bec, the first abbot of St. Werburgh's (1093-1117), by which he became sole lord of Neston, and the abbey of Raby. He seems, however, to have retained his undertenancy of the abbey's original half of Raby, and this is here resigned by his son and successor William (c. 1130-50). Before the exchange William Fitz-Nigel had given two-thirds of his demesne tithes of Raby to the house of canons which he founded between 1101 and 1117 at Runcorn and which his son removed to Norton (Townley MS. C 8, 8, Chetham Library; Orm. i. 691). This gift was retained by Norton Priory (Dugdale, *Mon.* vi. 314).

The note at the end of this document might be thought to refer the witnesses to the exchange in Fitz-Nigel's time (leaving his son's charter unwitnessed), and to suggest the identification of Hardwine, the constable's steward, with his tenant of that name at Raby and Halton in 1086 (D.B. i. 266). The witnesses, however, are scarcely consistent with so early a date as the abbacy of Richard of Bec. It is natural to suppose that the first was Robert of Mold, the steward

¹ For the prebends of the church of St. Werburgh before its conversion into a Benedictine house see above, p. xxii.

² Iddinshall.

of Earl Ranulf II. (though a Robertus dapifer attested a grant to the abbey in or shortly after 1092 (p. 20)) ; a Robert de Pierrepont first appears under Ranulf I. and Ranulf II. (pp. 48, 236) ; Robert, son of Wibern's father, was probably the Wythebern (or Wicebern) who was the constable's tenant at Newton in the time of Earl Richard (No. 5) ; Dunning, son of Wulphere, may possibly be identified with a witness to a charter of Ranulf II. (No. 12), and Gef. hostiarius with the Galfridus hostiarius of another (Orm. iii. 547), while Orm, son of Wulfric, was perhaps brother of the Waltheof (Walter in Tabley MSS. Lib. H. No. 3), son of Wulfric, who was father-in-law of the second Gilbert de Venables (Orm. *u.s.* and 61, 187). Lastly, if Orm sithareda was the Orm citharista, the Harper, who improperly heads the pedigree of the Touchets (*ibid.* i. 662, iii. 210, see note on No. 85, *supra*), the list of witnesses in which he appears cannot be as early as 1117, for the latter Orm's son was alive at the end of the twelfth century.

Adam is the first justice of Chester whose name has been preserved. By running his name and that of the preceding witness into one, Sir Peter Leycester converted him into Johannes Adams (Orm. i. 61).

352. Confirmation of No. 351 by Earl Ranulf II. 1129-53.

From Charter R. 73, 13 Edward I. m. 10, No. 38.

Notum sit omnibus fidelibus sancte ecclesie et constabulario et dapifero et baronibus et ministris meis, Francis et Anglis, quod ego Rand[ulfus] comes Cestrie concedo et confirmo terram Rabbi quam Willelmus constabularius reddidit Deo et ecclesie sancte Werburge solam et quietam de omnibus placitis et causis sicut prebendam antiquitus illi ecclesie adiacentem. Et sciatis quod nolo quod alicui respondeat nec pro breui meo nec pro nuncio de aliqua causa, set ita liberam eam habeat sicut aliquam prebendam ecclesie illius habet liberiozem. T[este] Ricardo de Aquila, et Normanno de Verdun, et Oliuero de Manners, et Iuone filio Anschetilli, et Willelmo de Amundeuilla, et Radulfo de Melinguarim (*sic*).

The description of the judicial immunity of the ancient prebends is of some interest.

353. Grant by Earl Ranulf III. to the abbey of quittance of puture of serjeants in all its Wirral lands, except six foresters on foot and without following, and its four demesne manors, Sutton, Eastham, Bromborough, and Irby, not to be obliged to feed even these. The earl reserves the right to increase the number of serjeants in war time, subject to the privilege of the above four manors. 1181-1232.

Ranulphus comes sextus dedit monachis Cestrie imperpetuum quietanciam tocius terre sue de Wirall' de pultura seruientum, exceptis tantum sex forestariis peditibus et sine sequela. Ita tamen quod quatuor dominica sua maneria, scilicet Sutton, Estham, Brombur', et Irreby quieta erunt tam de predictis forestariis pascendis quam de aliis. Et si forte, guerra urgente, oporteat plures seruientes apponi, homines de terra sua in Wyrall' apponent quantum eos continget ad seruientes illos inueniendos et pascendos, exceptis dictis quatuor maneriis que inde sunt libera et quieta.

This grant should be compared with the earl's concessions on this head to his barons in the "Common Charter of Cheshire" (No. 60). The number of serjeants in the county in time of peace was there limited to twelve, and the demesnes of the barons were entirely exempted from puture. In time of war the number of serjeants might be increased.

354. Grant by Earl Hugh II. to the abbey of the church of Holywell to appropriate to its own uses, together with a houseplot. According to the great charter of Earl Richard (No. 5) Burel gave the church. 1153-81.

Hugo comes Cestrie dedit ecclesie sancte Werburge ecclesiam de Haliwelle cum omnibus pertinenciis in usus monachorum proprios, et vnum mansum in dicta villa, lx pedum in latitudine et octoginta in longitudine. Sciendum in magna carta Ricardi comitis dicitur quod Burellus dictam ecclesiam dedit.

The explanation of the double grant noted by the scribe of the chartulary seems to be that in the interval between the time of Earl Richard and that of Hugh II.¹ the abbey had lost its hold upon Burell's gift. Under Ranulf II. we find Robert de Pierrepont granting the town and church of Holywell to the new abbey of Basingwerk with the consent of the earl his lord and its founder (*Cal. Charter R.* ii. 290). Ranulf's son apparently remedied the injury thus done to the monks of Chester. But Welsh attacks upon Englefield (afterwards incorporated by Edward I. in the county of Flint) made Holywell a precarious possession. Earl Richard himself had once been besieged and nearly captured there when on a visit to St. Winifred's Well, if we may believe a well-known story preserved by Henry Bradshaw in his life of St. Werburgh (*Cheth. Soc. (O.S.)* xv. 187; *Orm.* ii. 501) in spite of its miraculous element. However this may be, Holywell

¹ To suppose that the grantor was Hugh I. would create even greater difficulties.

had fallen into the hands of the Welsh by the end of the twelfth century. In a petition to Archbishop Hubert Walter (1193-1207) to be allowed to appropriate their church of Chipping Campden, the abbot and monks of Chester state that in the wars with the princes of Wales they have lost their church of "Hallewell," which was of £100 value (*ibid.* ii. 12; see Index). The Welsh princes supported the claims of Basingwerk. In 1240 David, son of Llewelyn, confirmed its possession of the church (*Dugd. Mon.* v. 263). Nor did the subsequent English conquest disturb it.

DE CARITATIBUS

[f. 21 (18).]

355. Grant by Colbert de Upton to Suan, son of Alan, of his land in Northgate Street, Chester, for 4s. yearly and lodging for four horsemen and four footmen when he comes to Chester.

Colbertus de Vptuna dedit Suano filio Alani terram suam in Northgatestrete pro quatuor solidis annuis¹ et hostillagio ad quatuor equites et quatuor pedites cum ad Cestriam veniret.

Several abstracts of deeds which follow this refer more or less clearly to portions of this plot, but in the absence of a plan the relation of the various grants to one another is in part obscure. The grantee here is called Suan, son of Alan de Eston, in No. 361.

356. Grant by Isoult, formerly the wife of Richard the porter, to Peter de Frodsham of a plot of land in Northgate Street, paying to her 1*d.* yearly. ? c. 1228-40.

Ysolda quondam vxor Ricardi ianitoris dedit Petro de Frodesham vnam placeam terre in Northgatestrete iacentem inter terram predicte Ysolde et terram Nicholai filii Benedicti, reddendo annuatim sibi vnum denarium.

Peter de Frodsham occurs as bailiff of the lordship of Frodsham between 1228 and 1240 (*Orm.* ii. 47). But No. 359 perhaps suggests a rather later date. See No. 360.

357. Grant by Peter de Frodesham to Thomas Herwart of certain land in Northgate Street, paying to him 2s. yearly. ? c. 1228-40.

Petrus de Frodesham dedit Thome Herwart quandam terram

¹ In the margin is added: Hos quatuor solidos Willelmus filius dicti Colberti quiete clamauit, vt patet in sua carta.

in Northgate Strete, iacentem inter terram que fuit R[icardi] ¹ iuuenis et terram que fuit Ysolde quondam vxoris ² Suani clerici quam S[uanus] emit de predicta Ysolda, reddendo sibi duos solidos annuos.

Suan the clerk witnesses a charter after 1208 which Mr. Irvine dates *c.* 1225; but the presence of Bertram the chamberlain throws some doubt on so late a date (*Chest. Arch. Soc. Journ.* (N.S.) x. 18; abstracts of Chester deeds from the Aston charters in the British Museum).

358. Grant by Thomas Herwart to the abbey, for the increase of its charities, of the land in Northgate Street which he bought from Peter de Frodsham, paying yearly 2s. to the chief lord.

Thomas Herwart dedit quandam terram suam in Norgate strete ad augmentum caritatum monachorum, quam emit de Petro de Frodesham iacentem inter terram que fuit Nicholai Franceys et terram que fuit Ysolde quondam vxoris Suani clerici, reddendo capitali domino duos solidos annuos.

If the land in question is that conveyed to Herwart in No. 357, Nicholas Francis must have succeeded Richard Young in one adjoining tenement. Cf. Nos. 359, 362.

359. Quitclaim by William, son of Colbert, to Thomas Herwart of the land in Northgate Street conveyed to him in No. 357.

Willelmus filius Colberti quiete clamauit Thome Herwath quandam terram suam in Northgate strete, iacentem inter terram que fuit Ricardi Iuuenis et terram que fuit Ysolde quondam vxoris Suani clerici, quam quidem terram dictus Thomas prius habuit de dono Petri de Frodesham, reddendo inde annuatim ii solidos Petro de Frodesham pro omni seruicio.

For the grantor see No. 355. He quitclaimed land at Woodchurch and Wervin to abbot Simon after 1265 (Nos. 660, 854).

360. Grant by William the cutler (to the abbey) of a moiety of all the land which he formerly held of the free lodging of Colbert de Upton (No. 355) in Northgate Street which

¹ Extended from No. 359.

² After this comes "que fuit" marked for deletion.

Isoult, wife of Suan the clerk, sold to Peter de Frodsham, and which the said William recovered in the Portmoot, paying 2s. yearly thence. Also quitclaim of right in land outside the North Gate which Isoult gave to the monks (Nos. 393, 456).

Willelmus cultellarius dedit medietatem tocus terre quam quondam tenuit de libero hostillagio Colberti de Vpton in Northgate strete inter aliam medietatem eiusdem hostillagii que fuit Nicholai Francisci,¹ illam scilicet quam Ysolda vxor Suani clerici vendidit Petro de Frodesham et quam predictus Willelmus in Portmote per breue de recto iudicialiter disracionauit, reddendo inde capitali domino ii solidos annuatim.² Item quietum clamauit ius et clamium quod habuit in terra quadam extra portam aquilonalem quam predicta Ysolda monachis dedit.

This deed would seem to relate to the plot conveyed in No. 356, the only one which Isoult (if the same as the wife of Suan the clerk) is recorded to have transferred to Peter de Frodsham. Was Nicholas Francis the same person as Nicholas, son of Benedict?

A grant of land in Chester, made about 1276 by William and his wife Mathilda, is among the Aston charters (*Chest. Arch. Soc. Journ.* (N.S.) x. 33, where their seals are figured).

361. Grant by the abbot and convent to William the cutler and his heirs of a moiety of the land which Suan, son of Alan de Eston, formerly held of Colbert de Upton and which William, son of Colbert, gave to the monks (No. 355), paying 2s. yearly.

Abbas et conuentus dederunt Willelmo cultellario et heredibus suis medietatem tocus terre quam Suanus filius Alani de Eston quondam tenuit de Colberto de Vpton quam quidem Willelmus filius dicti Colberti postea monachis dedit, iacentem in Northgatestrete inter reliquam medietatem eiusdem terre quam Thomas Hereward quondam tenuit et terram que fuit Willelmi Le Bolour, reddendo inde annuatim ii solidos ad festum Apostolorum Petri et Pauli et ad festum sancti Martini.

A Robert le Bolour occurs c. 1280 (*Chest. Arch. Soc. Journ.* (N.S.) x. 35).

¹ The other bounding plot seems to be omitted.

² In the margin is added: Hos ii solidos Walterus filius Willelmi filii Colberti quiete clamauit, vt patet in sua carta.

- 362.** Grant by Thomas Herward, for increase of the charities of the monks, of all his lands in Northgate Street, both that which he had of inheritance and that which he bought from Peter de Frodsham, and also of an adjacent shop.

Thomas Herward dedit in augmentum caritatum monachorum omnes terras suas in Northgatestrete Cestrie, iacentes inter terram que fuit Nicholai Francisci et terram que fuit Ysolde quondam relicte Suani clerici, tam illam quam iure hereditario habuit quam illam quam de Petro de Frodesham emit, et etiam scoppam adiacentem quam de predicto N[icholao] habuit, secundum formam cirographi inter eos confecti.

See No. 358.

- 363.** Grant by William, son of Nicholas Franceys, for the increase of the charities of the monks, of a moiety of his land in Northgate Street which was formerly divided hereditarily between his father Nicholas and Thomas Herward after the death of their aunt Eve, and undertaking to defend this and the other moiety which the said Thomas gave (No. 362) against any claim to billeting or other service by Adam de Praers or other chief lords. c. 1233-49 ?

Willelmus filius Nicholai Franceys dedit totam medietatem terre sue in Nortgatestrete, que quondam diuisa fuit hereditarie inter Nicholaum patrem suum et Thomam Hereward per decessum Eue amite sue, iacentem inter terram suam et terram prefati Thome, ad augmentum caritatum monachorum, et obligauit se et heredes suos ad defendendum et warentizandum predictam terram, et eciam medietatem terre quam predictus T. Hereward monachis dedit, ab hostillagio et omni seruicio contra Adam de Preheres et heredes suos uel quoscunque capitales dominos.

Adam de Praers of Baddiley, if he is the chief lord referred to, flourished about 1233-49 (Orm. iii. 299, 301, 456).

- 364.** Grant by abbot S[imon] and the convent to Hugh Brid of a plot of land in Northgate Street which Thomas Hereward gave them (No. 362), paying to their charities yearly 20s. Hugh's heir sold the land to John de Carlisle and Alice his wife, who obtained a new enfeoffment from the abbot (No. 365). 1265-91.

Abbas S[ymon] et conuentus dederunt Hugoni Brid in Norgate strete quandam placeam terre quam Thomas Hereward eis dedit, iacentem inter terram [que fuit N[icholai] Franceys et terram] ¹ que fuit Ysolde quondam vxoris Suani clerici, reddendo caritatibus annuatim xx solidos in Natiuitate sancti Johannis Baptiste et in festo sancti Martini per equales porciones. Hanc terram heres Hugonis Brid vendidit Johanni de Carlel et Alicie vxoris sue, qui maluerunt ab abbate in illa infeodari. Vnde et ab eo de nouo infeodati sunt.

For Hugh Brid see *Chest. Arch. Soc. Journ.* (N.S.) x. 46.

365. Grant by the abbot and convent to John de Carlisle and Alice his wife of the land conveyed in the preceding charter. 1265-91.

Abbas et conuentus dederunt Johanni de Carlel et Alicie vxori sue quandam placeam terre in Norgate strete quam Thomas Hereward eis dedit, iacentem inter terram que fuit N[icholai] Franceys et terram que fuit Ysolde quondam vxoris Suani clerici, reddendo inde annuatim xx solidos in Natiuitate sancti Johannis Baptiste et in festo sancti Martini per equales porciones, et ad horum solucionem obligauerunt se et heredes suos cuiunque districcioni in mobilibus et in immobilibus.

366. Quitclaim by Robert le (*rectius* de) Praers of lordship and lodging-right in the land in Northgate Street which William, son and heir of Nicholas Franceys, gave to the monks (No. 363). c. 1250-1313.

Robertus le Preeres quietum clamauit dominium et hostillagium [f. 21 (18) d.] que habuit in tota medietate terre, que quondam diuisa fuit hereditarie inter Nicholaum Franceys et Thomam Heward per decessum Eue amite eorum, in Nortgatestrete, iacentem inter terram quam predictus N[icholaus] de domino Ada le Preeres patre suo tenuit et terram quam prefatus T[homas] Hereward de Willelmo filio Colberti aliquando tenuit, quam quidem medietatem terre Willelmus filius et heres predicti N[icholai] monachis dedit.

The grantor was probably Robert de Praers of Baddiley, son of the Adam mentioned in the note on No. 363, who died in 1312-13.

367. Grant by Geva, sister of Ralph, son of Warin, to the abbey of all her land within the Northgate which her brother Ralph gave her in free marriage. ? 1153-81.

¹ Supplied from No. 365.

Geua soror Radulphi filii Wareni dedit terram suam totam infra portam aquilonalem datam sibi in libero maritagio a Radulpho fratre suo.

Was the grantor's brother possibly the Ralph, son of Warin or Warner, who attested several of the charters of Earl Hugh II. ?

- 368.** Grant by abbot G[oeffrey] to William the smith, son of Wulfric, of a certain messuage within the Northgate, paying yearly 12*d.*, and quitclaim thereof by John Smith, son of Hugh Smith, to the monks for 40*s.* 1194-1208.

G[alfridus] abbas Cestrie dedit Willelmo fabro filio Wlfrici quoddam mesuagium infra portam aquilonalem iuxta murum gardini, reddendo annuatim xii denarios ad festum apostolorum Petri et Pauli. Hoc mesuagium Johannes faber filius Hugonis fabri successor predictorum (*sic*) quietum clamavit monachis pro xl solidis.

- 369.** Quitclaim by Robert, son of Adam son of Fulk, of his land opposite the abbey gate at the top of Parson's Lane, which he and his father held of the monks for 4*s.* yearly ; for this quitclaim they gave him 10 marks.

Robertus filius Ade filii Fulconis quietam clamavit terram suam contra portam Abbacie in capite le Paroneslone ad meridiem, quam ipse et pater suus tenuerunt de monachis pro iiii solidis annuis ; pro qua quieta clamacione monachi dederunt ei x marcas.

- 370.** Quitclaim by William Sorel of Spalding of his right in a messuage opposite the abbey which Richard de Grendon formerly held, and obligation for him and his heirs to pay to the monks for ever half a mark yearly which he used to render for three oxgangs in Moston (near Chester) and this messuage.

Willelmus Sorel de Spalding quietum clamavit ius et clamium quod habuit in mesuagio iacente ex opposito abbacie quod Ricardus de Grendun aliquando tenuit ; insuper obligavit se et heredes suos facturos monachis imperpetuum totum seruicium dimidie marce annue ad festum apostolorum Petri et Pauli, et ad festum sancti Martini per equales porciones soluende, quod pro tribus bouatis terre in Morstone et predicto mesuagio prius facere consuevit.

Abbot Hugh (1208-26) had granted the oxgangs and messuage in question to Simon, son of William of Spalding (No. 665a; *Chester Arch. Soc. Journ.* (N.S.) x. 17).

- 371.** Grant by William, son of Osbern, of a messuage in Fleshmonger Lane in which Elwin, brother of Farn, dwelt ? 1100-60.

Willelmus filius Osberni dedit vnum mesuagium in Flesmongerlone, in quo Elwinus frater Farni mansit.

Fleshmongers Lane was the old name of Newgate Street. The grantor was probably the brother of Hugh fitz-Osbern of Dodleston (himself a donor of houses in Chester, p. 52), who witnessed the charter of Earl Richard (Sitwell, *Barons of Pulford*, 60). This William was living in the first years of Earl Hugh II.'s time (*Chest. Arch. Soc. Journ.* (N.S.) xiii. 93). The messuage may have been one of the 15 which belonged to Dodleston in 1086 (D.B. i. 268b.).

- 372.** Grant by Gilbert, son of Robert son of Pigot, of his land in Fleshmonger Lane, which Gamel, son of Girgkin, held of his father. *temp.* Henry II. ?

Gilbertus filius Roberti filii Pigot dedit terram suam in Flesmongerlone quam Gamel filius Girgkin de patre suo tenuit.

The grantor may have been son of the Robert, son of Picod (? of Broxton), who witnessed the "Great Charter" of Ranulf II. (p. 59).

- 373.** Quitclaim by Robert Lancelyn of 1 lb. of cummin which Robert, son of Pigot, used to pay to him yearly for the land conveyed in the preceding charter.

Robertus Lancelyn quietam clamauit vnam libram cimini quam Robertus filius Pigot annuatim sibi solebat reddere pro terra que de feodo suo tenebatur quam Gamel filius Girgkin tenuit de predicto R[oberto] filio Pigot in Flesmongerlone.

Of the two Robert Lancelyns, father and son, who lived respectively *temp.* Henry II. and Richard I. and Henry III. the grantor must have been the earlier, if the suggestion as to Robert, son of Pigot, in the note on No. 372 be correct.

- 374.** Quitclaim by Thomas, son of Andrew son of Salomon, to Ralph, son of Adam son of Guy, of his right in certain land in Fleshmonger Lane, and also to W[alter] Bochard. c. 1225-45.

Thomas filius Andree filii Salamonis quietum clamauit Radulpho filio Ade filio Widonis ius et clamium suum in quadam terra, scilicet in Flesmongerlone, iacentem inter terram que fuit Hugonis de Cholmundesleye et terram que fuit Gamel filii Girgkin. Hanc eciam terram predictus T[homas] quietam clamauit W[altero] ¹ Bochard.

Walter (son of) Bochard witnessed several city charters (*Chester Arch. Soc. Journ.* (N.S.) x. 20-6, cf. ii. 160; *Whalley Coucher Book*, 350).

- 375.** Quitclaim by Hugh, son of Walter Bochard, of all his land in Fleshmonger Lane for the increase of the charities (of the abbey). After 1250?

Hugo filius Walteri Bochard quietam clamauit totam terram suam in Flesmongerlone ad augmentum caritatum.

- 376.** Quitclaim by Robert, son of Robert Aubrey, of his land outside the Northgate and all his land, arable or other, in the territory of Newton (by Chester).

Robertus filius Roberti Aubrey quietam clamauit totam terram suam extra portam aquilonalem et totam terram suam arabilem et non arabilem in territorio de Neutona.

- 377.** Quitclaim by Thomas, son of John, of all his land outside the Northgate.

Thomas filius Johannis quietam clamauit totam terram suam extra portam aquilonalem, iacentem inter terram que fuit quondam Widonis carpentarii et terram Johannis Norman.

- 378.** Quitclaim by Thomas Long of all his land outside the Northgate with the garden adjacent.

Thomas Longus quietam clamauit totam terram suam extra portam aquilonalem cum orto adiacente, iacentem inter terram que fuit Radulphi le Salter et terram Johannis le Palmer.

For a Robert Long who gave land here to one of the abbots named Thomas see No. 630.

- 379.** Grant by abbot Roger to Alan, son of John de Holland, of land outside the Northgate, paying 12*d.* yearly. 1240-1249.

¹ Extended from the next charter.

Abbas Rogerus dedit Alano filio Johannis de Holand totam illam terram que iacet inter terram que fuit Leduc et terram quam Willelmus cocus tenuit extra portam aquilonalem, reddendo annuatim xii denarios in Natiuitate sancti Johannis Baptiste.

380. Grant by William, son of Alan, to Richard de Toft of all his land outside the Northgate, with a croft. c. 1250-60.

Willelmus filius Alani dedit Ricardo de Toft totam terram suam extra portam aquilonalem cum crofto, iacentem inter terram Widonis carpentarii et terram Hugonis Pelter.

The grantee was possibly the Richard de Toft who had a grant of land in Little Saughall (No. 676) from Gilbert Blay and Alice his wife, who in her widowhood made gifts there to the abbey in abbot Simon's time and before 1282 (Nos. 678-86). See *C.A.S.J.* (N.S.) x. 32, 42.

381. Grant by Reginald de Warburton of a messuage in Liverpool with an acre adjacent, saving the king's service of 12*d.* to be paid to him yearly.

Reginaldus de Werburton dedit vnum mesuagium in Leuerpol cum acra adiacente, saluo seruicio domini regis, scilicet duodecim denariorum ei annuatim persoluentorum.

Liverpool had the shilling burgage rent (Tait, *Mediaeval Manchester*, 63; Hemmeon, *Burgage Tenure* (Harvard Hist. Studies, xx.), 69, 170.

381a. Grant of the messuage conveyed in No. 381(?) by Roger de Esseburn to Walter the leather-dresser (cf. Bateson, *Leicester*, i. 16). Harl. MS. 2149, f. 133 (123)*d.*

Sciant omnes tam presentes quam futuri quod ego Rogerus de Esseburn' dedi, etc Waltero parmentario quoddam burgagium in villa de Liuerpull et vnam acram terre que pertinet dicto burgagio, scilicet ad illud burgagium quod teneo de domo sancte Werburge de Cestria, habend. etc imperpetuum, reddendo inde annuatim 2s. ad Purificacionem Sancte Marie mihi et heredibus meis, ipse et heredes sui pro omni seruicio, etc. Et sciendum quod predictus W. et heredes sui adquietabunt versus dominum regem omnes res que pertinent ad antedictum burgagium, sicut alia burgagia faciunt in eadem villa (no witnesses).

382. Grant by William, son of Henry de Tiresford, in augmentation of the charities, of 2s. yearly from an oxgang in

the territory of Tiresford which he bought of Richard Doun and which is called Scales.

[f 22 (19).] Willelmus filius Henrici de Tireford dedit in augmentum caritatum duos solidos annuos de quadam bouata terre in territorio de Tireford' in Natiuitate sancti Johannis Baptiste persoluendos, de illa scilicet bouata quam emit de Ricardo Doun et vocatur Scales.

Tiresford (or Tireford) was a hamlet in Tarporley, between the town and Tarporley Four Lane Ends. Lands there are referred to in D.K. 36 Rep. 296, 480, 542; 37 Rep. 657. For a Simon de Tireford see *Whalley Coucher*, ii. 475. For the early interest of the Dones of Utkinton in Tarporley see No. 783 and Orm. ii. 226, 236.

383. Grant by abbot R[obert] de Hastings to Roger de Cumbray of Burwardsley, which his father Alfred had held of the abbey, for 5s. to be paid on the feast of St. Martin, on condition that Roger—or, if he were unable, his steward—should come on reasonable summons to afforce the abbot's court, and that trial by battle arising out of the land in question should take place in that court, and the amends should go to the abbot, however the battle ended, once the champions had entered the court. 1186–1194.

R[obertus] de Hasting' abbas Cestrie dedit Rogero de Cumbrey Burwardesleyam, quam Alferedus pater suus tenuit de ecclesia sancte Werburge, pro v solidis in festo sancti Martini persoluendis, ita quod prefatus R[ogerus] veniet per rationabilem summonicionem ad forciammentum curie abbatis, uel si ipse venire non possit, senescallus suus pro eo veniet; et si contigerit duellum prouenire de terra illa, duellum fiet in curia abbatis et emendacio duelli erit abbatis, seu per concordiam seu aliter duellum terminetur, ex quo semel armati curiam intrauerint.

The third part of the vill of Burwardsley in Broxton hundred, which was all that was in question, had been taken from the canons of St. Werburgh before the Conquest by the reeves of Earls Eadwine and Morkere and restored to the monks, their successors, by Earl Hugh I. (D.B. i. 264*b*, above, p. 28). The date of its subinfeudation by the abbot and convent to Alfred de Cumbray, son of Reginald, of Lee Cumbray, in Shropshire, is not recorded, but it may have been as early as the reign of Stephen. For the charter by which he was enfeoffed with Nether Whitley in Bucklow hundred, though hitherto ascribed to Earl Ranulf III. and the time of Richard I. by a mistake of Sir

Peter Leycester (Orm. i. 659, 662), is shown by its witnesses who are headed by abbot Ralph (1141-57) to have been granted in reality by Earl Ranulf II. (d. 1153). For the connection of the Cumbray family with Tattenhall, and the ultimate succession of the Touchets to most of their manors, see No. 85.

384. Grant by Earl Ranulf (III. ?) to the abbots of Chester of a house in each of his manors, so that when they or other monks come to court they may have full entertainment from the court and their own dwelling-place, with its tenant and its issues, free of geld and other services.

R[anulphus] comes Cestrie [dedit] abbatibus Cestrie in singulis maneriis suis tocus terre sue vnam mansuram cum omnibus pertinenciis, vt cum abbates uel ceteri monachi ad curiam venerint, habeant de curia plenariam procuracionem et proprium hospiciu[m] cum ipso hospite et redditibus hospicii, et ipsum hospiciu[m] sit liberu[m] a geldis et omnibus seruiciis.

If we may argue from the silence of the charters of the first two Ranulfs the grantor must have been the third earl of that name.

385. Grant by Hamon de Massey of two oxgangs in Puddington and a fishery, called "Floodyard," near the sea.

Hamundus de Mascy dedit duas bouatas terre in Potintona et vnam piscariam, scilicet flodgeard nomine, que est mari propinquior.

The grantor was perhaps more probably one of the barons of Dunham, who held Puddington as early as 1086, than the Hamon de Massey of a junior branch who held the place in the time of Edward I. (Orm. ii. 558, 561). But which of the five successive barons named Hamon was the one in question there is nothing to show.

386. Acknowledgement by Ralph de Mold, rector of (West) Kirby, that he was bound to pay a yearly pension of 4 marks from his church to the monks of Chester. c. 1258-86.

Radulphus de Monte alto rector ecclesie de Kirkeby recognouit se teneri monachis Cestrie in quatuor marcis nomine pensionis de dicta ecclesia annuatim in Natiuitate sancti Johannis Baptiste et in festo sancti Martini soluendis.

It was on the death of this Ralph de Mold that the monks of Basingwerk sought in 1286 to recover the advowson of West Kirby

church from St. Werburgh's, but without success (Orm. ii. 485, and below, No. 513). Ralph is said to have been a younger brother of Roger de Mold, steward of the Earl of Chester, who died in 1232 (*ib.* i. 58), but this is chronologically impossible. He became rector of West Kirkby during the Barons' Wars (*ib.* ii. 485).

- 387.** Grant by Sir William Lancelyn, kt., to the abbot of three butts of land in the territory of Poulton (Lancelyn), which he may enclose and use as the site of a grange and a cottage, the abbot's tenant to have all the liberties of the vill, with housbote and haybote. ? c. 1270-83.

Willelmus Lancelyn miles dedit iii. bottas terre in teritorio de Poltona, iacentes inter terram Anabilie sororis sue et terram que fuit Agnetis vxoris Bernardi, ita quod abbas possit dictas bottas includere et grangiam in eis facere et cotagium et omnimode comodum suum, et tenens abbatis habeat libertates ville in omnibus pascuis cum housbota et haybota in omnibus boscis et cirpetis ad dicta edificia reparanda et cooperienda.

Ormerod (ii. 441) identifies the grantor, probably correctly, with William Lancelyn II. (*d.* 1283), but turns butts into bovates. There was however a third William Lancelyn, whom he misplaces. He succeeded his grandfather, William II., in 1283 (*Cal. Inq.* ii. 298). He made a grant to abbot Thomas II. in 1313 (Harl. MS. 2022, f. 13*d*).

- 388.** Grant by Thomas Lancelyn of Tranmere to the abbey of a butt of land in Poulton (Lancelyn) lying next to the land of the monks.

Thomas Lancelyn de Tranemol dedit vnam bottam terre sue in Polton, que iacet propinquior terre monachorum in longitudine et latitudine.

The only Thomas in the Lancelyn pedigree is Sir Thomas, younger brother of William Lancelyn II. (*d.* 1283), and said to have been a Knight of Rhodes (Orm. ii. 444). He is not mentioned in Ormerod's account of Tranmere.

- 389.** Quitclaim and confirmation by Ranulf, son of Sir William Lancelyn, of No. 387. c. 1280.

Ranulphus filius Willelmi Lancelyn militis quietas clamavit et confirmavit iii bottas terre in teritorio de Polton per tenorem donacionis et carte patris sui.

Ranulf appears in the Lancelyn pedigree as son of William Lancelyn II. (*d.* 1283).

- 390.** Grant by William II., abbot of Chester, of land outside the Northgate, formerly Richard de Rostherne's, for the augmentation of the charities when he made the feast of the Annunciation a double feast, and land without the same gate which Robert Bras bequeathed to them for the benefit of sick monks. 1226-1228.

Willelmus secundus, abbas Cestrie, dedit quandam terram extra portam aquilonalem que fuit Ricardi de Roudestorn ad augmentum caritatum quando festum Annunciacionis Dominice duplex festum constituit, et quandam terram quam Robertus Bras eis legauit extra portam aquilonalem ad emendacionem infirmorum monachorum, quam predictus R[obertus] emit a Symone filio H[] pistoris.

For a quitclaim by Alan, son of Richard de Rostherne, to abbot William of half a toft in the same quarter see No. 628. The mention of Robert Bras's legacy seems to put back the date of No. vii. (and perhaps of No. v.) in *Chester Arch. Soc. Journ.* (N.S.) x. 19.

Nos. 390-4 and 398 illustrate the gradual earmarking of a part of the general revenue of the abbey to particular objects. The consent of the convent is expressed in two cases. Had the abbot enjoyed an absolute right of disposition in the others?

- 391.** Grant by abbot Hugh to the chamberlain of the abbey of half the altarage of Neston, out of which he was to find yearly 10s. on Maundy Thursday for the washing of the feet of the poor in the cloister, and 3s. for the charities of the monks on the feast of St. Katherine, and the same on the feast of St. Nicholas, and 4s. for the anniversary of the grantor, the residue to remain to the chamber. 1208-26.

Abbas Hugo camerario medietatem altaragii de Neston dedit, ita quod camerarius de ea inueniat annuatim x solidos in Cena Domini ad mandatum¹ pauperum in claustro, et iii solidos ad caritates monachorum in festo sancte Katerine, et in festo sancti Nicholai alios iii solidos, et iiii solidos ad anniuersarium H[ugonis] abbatis faciendum, et residuum camere remaneat.

For the appropriation of the church of Neston to the uses of the abbey see No. 79.

¹ The washing of the feet of poor men on Maundy Thursday was so called because the choir sang Christ's injunction: "Mandatum novum do vobis" (Ducange, *Glossarium*, s.v.).

- 392.** Grant by abbot Geoffrey, for the increase of the charities of the abbey, of £3, 13s. 4*d.* from the yearly pensions due from the churches of (West) Kirby and Neston, and whatever he may be able in future to acquire therefrom by licence of the Pope or the diocesan; the 30s. which are paid yearly to the prior of Ware for the church of (West) Kirby to be paid always by the abbot. 1194-1208.

Abbas Galfridus dedit ad augmentum caritatum iiii marcas annuas pensionarias de ecclesia de Kirkeby et xx solidos de ecclesia de Neston et quicquid imposterum conuentus autoritate et licencia pape uel diocesani de ecclesiis predictis poterit adquirere, et xxx solidos qui priori de Ware pro ecclesia de Kirkeby annuatim persoluuntur semper ab abbate persoluantur.

The church of West Kirby had originally been given by Robert of Rhuddlan to the abbey of St. Evroult in Normandy, and the yearly payment by St. Werburgh's to the prior of Ware in Hertfordshire, a cell of St. Evroult, was the consideration for its transfer to the English house between 1153 and 1181 (No. 509). Ormerod, by a slip, makes the payment £30 (*Hist. of Ches.* ii. 485).

- 393.** Grant by abbot Thomas (I.) of land in Northgate Street, for the increase of the chantry, subject to a yearly payment of 6s. 8*d.* to the abbots; also, for the increase of the charities, land outside the Northgate given by Isoult, wife of Suan the clerk, reserving the old payment of 9*d.* to the abbot; four oxgangs of land in Woodchurch which he bought from the daughters of Hamon de Woodchurch (Nos. 642, 652-3), reserving 4s. a year; and for the better observance of his anniversary 14s. from Saughall and 5s. from Burwardsley, of which 10s. were to be bestowed upon the poor on his anniversary; and confirmation of the gift of the altar of St. Mary next the choir (No. 479), retaining 5s. therefrom at St. Werburgh's fair. 1249-1265.

Abbas Thomas dedit terram illam quam Willelmus Frend aliquando de abbacia tenuit in Nortgatestrete ad augmentum cantarie,¹ soluendo inde annuatim sibi et successoribus suis post discessum² prefati W[illelmi] per manum precentoris dimidiam marcam argenti ad festum sancti Martini, dedit eciam in augmentum caritatum quandam terram extra portam aquilo-

¹ Cf. No. 395.

² descessum MS.

nalem quam Ysolda vxor Suani clerici ecclesie dedit, saluo sibi et successoribus antiquo redditu ix denariorum in festo sancti Martini persoluendo, et iiii bouatas terre in Wodechirche quas emit de filiabus Hamonis de Wodechirche, saluis sibi et successoribus suis iiii solidis annuis in festo sancti Martini, et vt anniuersarium suum diligencius obseruetur xiiii solidos de Saluhale et v solidos de Borwardesleye vt x ex hiis pauperibus erogentur [f. 22 (19) d.] in suo anniuersario, et donum altaris sancti Marie iuxta chorum confirmauit, retinens sibi ex ea in nundinis sancte Werburge v solidos.

For Isoult, wife of Suan the clerk, see Nos. 356-7. Her gift here mentioned is No. 456.

At least one of the purchases from the daughters of Hamon de Woodchurch was made between 1261 and 1263 (No. 646).

CANTARIA

394. Grant by abbot Hugh, with the consent of the convent, of 6s. 8*d.* yearly for the chantry from land over against the gate of the churchyard towards the market-place, the buildings on which are brought up to the street by licence of Earl Ranulf (No. 395). 1208-26.

Abbas Hugo dedit cum consensu conuentus dimidiam marcam cantarie annuatim percipiendam de terra iacente contra portam cimiterii uersus forum, cuius edificia ad stratam extenduntur per licenciam R[anulphi] comitis.

395. Licence by Earl R[anulf III.] to extend the chantry buildings (No. 394) to the (Northgate) street on land over against the gate of the churchyard towards the market, which he freed from watch and toll and taking of ale and all custom. 1208-26.

R[anulphus] comes dedit licenciam extendendi edificia [cantarie]¹ usque ad stratam in terra iacente contra portam cimiterii uersus forum, quam eciam liberam fecit a vigiliis et theloneo et capcione ceruisie et omni consuetudine.

396. Grant by Peter, clerk of the Earl of Chester, of two oxgangs of land with their tofts in the vill of Elton, and another toft in the midst of the vill and six lands in the fields. c. 1208-28.

¹ Inserted from the heading.

Petrus clericus comitis Cestrie dedit duas bouatas terre¹ cum suis toftis in villa de Eltona et aliam toftam in medio ville et vi landas² in campis.

The grantor became lord of Thornton le Moors adjacent to Elton in the reign of John and after 1208 (see No. 199), and was for many years the earl's secretary or chancellor (p. xlviij).

- 397.** Perpetual lease to William Chew and Agnes his wife of a moiety of the land referred to in Nos. 394-5, at a rent of 16s. yearly, saving to the abbot the issues at the fair and the upkeep of the buildings, the tenants to be liable to distraint both on their moveable and their immoveable possessions.

Willelmus Cheu et Agnes vxor sua receperunt ad perpetuam firmam medietatem terre iacentis contra portam cimiterii versus forum pro xvi solidis annuatim reddendis, videlicet ad Natale Domini, ad Annunciationem Domini, ad Natiuitatem sancti Johannis Baptiste et ad festum sancti Michaelis maioris, per equales porciones. Saluis abbati exitibus in nundinis et edificiis sustentatis, tenentesque obligantur ad quamcunque districcio-nem in omnibus mobilibus et in immobilibus.

CERTRINA

- 398.** Abbot Robert, with the consent of the convent, gave (to the wardrobe) 25 marks and 7*d.* yearly, to be received; 100s. in Denford (Northants); in Aston (upon Trent) 5 marks; in Weston (upon Trent) 1 mark; in Astbury 12s.; in Christleton 20s.; in Tattenhall 3s.; in Coddington 3s.; in Heath (*i.e.* Bruera) 7s.; in Wervin $\frac{1}{2}$ mark; from the church of St. Mary by the Castle 4 marks; from the church of St. Peter 40s. 1157-94.

Robertus abbas cum consensu conuentus dedit [certrine]³ xxv marcas annuas et vii denarios⁴ recipiendos, in Daneford centum solidos, in Eston v marcas, in Weston vnam marcam, in Estbury xii solidos, in Cristelton xx solidos, in Tatenhale iii solidos, in Codinton iii solidos, in Heeth vii solidos, in Wiruin dimidiam marcam, de ecclesia sancte Marie iuxta Castrum⁵ iiii marcas, de ecclesia sancti Petri⁵ xl solidos.

¹ terra MS.

² landis MS.

³ Inserted from the heading.

⁴ This total = £16 : 13 : 11 and exceeds the actual sum of the items by 8s. 11*d.*

⁵ In Chester.

There does not seem anything to show which of the three abbots in succession, who were called Robert, the donor was. For the church of Denford see No. 126; for those of Aston and Weston, pp. 17, 136; for that of Astbury, Nos. 329 *sqq.*; for that of Christleton, p. 18; for that of Tattenhall, Nos. 85-6; for that of Coddington, p. 19; for that of Bruera, Nos. 500, 535; for the church of St. Mary by the Castle, No. 499; and for St. Peter's, Nos. 502-4.

399. Order by R[oger II. or III.], Bishop of Coventry and Lichfield, to the Archdeacon of Chester to compel those who detain pensions due to the monks to pay them, viz. the rector of St. Mary's by the Castle in 4 marks; the rector of St. Peter's, Chester, in 60s.; the rector of Christleton in 23s.; the rector of Handley in 1 mark; the rector of Astbury in 12s.; the vicar of Eastham in 2 marks. 1246-1295.

R[ogerus] episcopus Couentrensis et Lichfeldensis mandauit archidiacono Cestrie uel suo officiali quod compellent illos qui pensiones debitas monachis detinent ad solucionem, videlicet rectorem ecclesie sancte Marie iuxta Castrum in iiii marcis, rectorem beati Petri in Cestria in lx solidis, rectorem de Cristelton in xxiii solidis, rectorem de Hanley in vna marca, rectorem de Astebury in xii solidis, vicarium de Estham in ii marcis.

As the advowson of Handley was not obtained by the abbey until the early years of the thirteenth century (No. 42) this order must have been issued either by Bishop Roger de Weseham (1246-56) or his successor Roger de Meulan (1257-95).

400. Grant by Robert, son of Osbern, to Thomas the tailor, in free marriage with his sister Iuliana, of half a burgage outside the Northgate of Chester and a selion and two butts (in the fields), rendering to him a pair of gloves at Midsummer and to the abbot of Chester the service due thence.

Robertus filius Osberni dedit Thome cessori in libero maritagio cum Juliana sorore sua dimidium burgagium extra portam aquilonalem Cestrie et vnam selionem, scilicet terciam a for[er]a¹ iuxta viam que tendit versus Flokeresbroc, et ii bottas iacentes inter terram suam et terram Ricardi filii Osgoti ex transuerso, reddendo sibi par cirotecarum in Natiuitate sancti Johannis Baptiste et abbati Cestrie debitum inde seruicium.

¹ A headland.

For Flookers Brook, which has given its name to the north-eastern suburb of Chester, see Ormerod's map (i. 180) and *Reports from Commissioners on Municipal Corporation Boundaries* (1837, Pt. I. s. Chester). The road which is described as leading to it is probably represented by the present Brook Road.

Thurstan and John, sons of Osgot, witness Chester charters in the first half of the thirteenth century (*Chest. Arch. Soc. Journ.* (N.S.) x. 18, 22).

- 401.** Lease by John, son of Robert the tailor (to the abbey), for forty years of his land outside the Northgate, with an adjacent butt and two half selions and a long selion near the abbot's land in the field of Newton, for 7s. yearly and a certain livery in the wardrobe.

Johannes filius Roberti cissoris ad firmam tradidit terram suam extra portam aquilonalem cum botta adiacente, et duabus dimidiis selionibus, et vna longa selione iuxta terram abbatis in campo de Neutona, ad terminum xl annorum, pro vii solidis annuis et quadam liberacione in certrina.

- 402.** Grant and quitclaim by the lessor of No. 401 of the same lands for 6s. yearly.

Johannes filius R[oberti] cissoris dedit et quietam clamavit totam terram suam extra portam aquilonalem Cestrie cum botta adiacente et vna longa selione et duabus dimidiis selionibus in campo pro vi solidis annuis.

- 403.** Quitclaim by the same of all his right in the rent of 6s. and of the livery which he had in the wardrobe.

Johannes filius R[oberti] cissoris quietum clamavit abbati et conventui quod habuit uel habere potuit in quodam annuo redditu, scilicet sex solidorum pro quoddam mesuagio extra portam aquilonalem vna cum tota terra eidem mesuagio spectante, et eciam quietam clamavit liberacionem quam habuit in certrina.

DE REFECTORIO

- 404.** Grant by R[obert], son of Matthew de Tattenhall, to William de Walton of land ¹ in Parson's Lane, paying to him and his heirs yearly 12*d.* and to the chief lord 2*d.* as landgable for all service.

¹ "Terra refectorii" in heading, but cf. No. 405.

R[obertus]¹ filius Mathei de Tatenhale dedit Willelmo de Waletona quandam terram suam in Personeslone inter terram que fuit Ricardi de Toft et terram quam Robertus vicecomes tenuit, reddendo annuatim sibi et suis heredibus xii denarios, et domino capitali ad Longable² ii denarios pro omni seruicio.

- 405.** Grant by William de Walton of the land conveyed to him in No. 404, for the increase of the alms (of the abbey), paying to Robert, son of Matthew, and his heirs 12*d.* yearly, and to the chief lord 2*d.* as landgable.

Willelmus de Waletona dedit quandam terram suam in Personeslone emptam a Roberto filio Mathei de Tatenhale in augmentum elemosinarum, reddendo predicto Roberto et heredibus suis xii denarios annuatim, et domino capitali pro Longable ii denarios.

The grantor may perhaps be identified with the William de Walton who bought land outside Northgate from the abbey, which his daughter and heir Alice quitclaimed to it (No. 631). Possibly he was the William, lord of Walton in Runcorn parish, who died before 1263 (*Whalley Coucher Book*, ii. 396).

- 406.** Grant by William de Walton, for the increase of the refectory, of a plot in Parson's Lane between the land which belonged to Robert, son of Matthew, and the land which William bought from him, free from landgable and all service.

Willelmus de Walton dedit vnam placeam in Personeslone sexaginta v pedum in longitudine et quindecim [pedum] in latitudine, iacentem inter terram que fuit Roberti filii M[athei] et terram quam predictus Willelmus a predicto Roberto emit, in augmentum refectorii, liberam a Longable et omni seruicio.

- 407.** Perpetual lease to Thomas Candelan of a plot in the Castle Lane, for which he was to pay 6*s.* yearly to the refectorer, submitting himself to distraint by the abbot to secure payment of this rent and repair of the buildings.

Thomas Candelan recepit ad firmam perpetuam vnam placeam

¹ Extended from the next entry.

² For this ancient burgage rent see Hemmeon, *Burgage Tenure in England* (Harvard Historical Studies), 62 *sqq.*

terre in le Casteleslone pro vi solidis annuatim refectorario ¹ soluendis ad Natale Domini, et ad Natiuitatem sancti Johannis Baptiste per equales porciones, ad quem redditum soluendum cum edificiis sustentandis districcioni ² abbatis se et suos obligauit.

The present Castle Street is still called the Castle Lane in Webb's *Description of Chester*, published in 1656 (Orm. i. 187).

408. Perpetual lease to W. de Tarvin of a messuage in the Castle Lane at a rent of 6s. yearly to be paid to the refectorer.

W. de Taruin recepit ad firmam perpetuam quoddam mesuagium in Le Casteleslone pro vi solidis annuatim refectorario [f. 2 3 (20).] soluendis ad Natale Domini et ad Natiuitatem sancti Johannis Baptiste per equales porciones, ad quem redditum soluendum et ad edificia sustentanda districcioni abbatis se et suos obligauit in mobilibus et in immobilibus.

This messuage is probably the *placea* of No. 407.

¹ refectario MS.

² districcionem MS.

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The Chetham Society.

REPORT OF THE COUNCIL FOR THE SEVENTY - SIXTH YEAR

(37th OF THE NEW SERIES),

*Read at the Annual Meeting, held by permission of the
Feoffees in the Audit Room of the Chetham Hospital,
Manchester, on the 4th of March, 1919.*

IN accordance with the decision taken twelve months ago, in view of the greatly increased cost of production, only one volume, the third part of the *Furness Coucher Book*, is issued to the members of the Society for the year 1918-19. The Armistice and the prospects of peace have already brought about some reduction in the price of paper, but it will not be possible, for the present at least, to return to the two annual volumes of the pre-war days without an increase of the subscription or a very considerable addition to the number of members. As was natural, the conditions prevailing during the last five years have produced gaps in our membership which have only to a very small extent been filled by fresh accessions. It is proposed, as soon as circumstances seem favourable to the attempt, to call the attention of those interested in Lancashire and Cheshire history to the need of wider support, if the work of the Society is to be carried on satisfactorily. In view of the large share of attention which has been given, and is being given, to the publication of materials for the history of Cheshire—the latest

being the *Civil War Tracts*, the *Domesday Survey*, and the forthcoming *Chartulary of Chester Abbey*—it is particularly desirable that the number of subscribers in the senior county palatine should be increased. Present members in both counties are urged to use their influence in inducing persons interested in its work to join the Society.

The publication of the third and concluding part of the second volume of the *Furness Coucher Book*,—the first volume of which was edited for us many years ago by the late Canon Atkinson—completes the work of making generally accessible the great chartulary of this important religious house, the largest in mediæval Lancashire and holding a high place among the monasteries of the kingdom. For this successful conclusion of a work which deserves the gratitude of a wide circle of students, warm thanks are due to Dr. William Farrer, our vice-president, who defrayed the cost of transcription of the second volume, and to Mr. John Brownbill, who has edited it with his accustomed care, despite many difficulties, Part III. having been seen through the press and indexed in the very scanty leisure left by war-work in a Government office.

The first two parts contain the Lonsdale charters of the abbey, together with those of its valuable properties in Yorkshire, Cumberland and Westmorland (the latter of great interest for the mountain nomenclature and pastoral conditions of Eskdale and Borrowdale in the Middle Ages. In the third part is contained a supplementary collection of documents of various kinds, rentals, receivers' accounts, court rolls, letters and petitions, Manx and Irish charters, etc., derived chiefly from the Public Record Office, and especially from the Ministers' Accounts and the Duchy of Lancaster Records in that repository. The Abbey Rental of 1537, with which the part opens, is a highly valuable record for the local history of the districts in which the abbey held lands, and especially for the study of the northern tenure known as

Tenant Right, owing to the fact that it gives fully the names of the holders under the abbey, the area they held and the rents they paid. The Receivers' Accounts show the sums received and how they were expended. Some light is thrown on local government and conditions by the not very numerous Court Rolls which have survived, and abstracts of which are printed here.

In addition to a sheaf of interesting letters and petitions relating to the monastery, gleaned from various sources, the editor supplies a valuable appendix of corrections of and additions to the first volume of the *Coucher Book*, edited by Canon Atkinson, who unfortunately omitted to collate the *Coucher* copies of charters with the surviving originals or to include charters of the house which for one reason or another were not transcribed in the *Coucher*. The importance of these 'Notes and Additions' is in part indicated by the fact that they occupy no less than eighty pages of the volume.

A very full index to the whole volume is appended. The three parts are paged continuously, and a general title-page and table of contents have been provided for the use of those members who wish to bind the parts in a single volume.

In the coming year the President hopes to print and issue to the members the first part of the *Chartulary of Chester Abbey*, which he has had for some time in preparation. An effort has been made to collate such original charters as survive and are accessible in public and private collections. In this connection, it may be of interest to note that the Dean and Canons of Windsor very liberally deposited in the Manchester University Library the original inspeximus of the chief abbey charters made in 1280, and that the Duke of Westminster has just kindly placed in the British Museum for the editor's examination the oldest original document belonging to the abbey which has come down to us, the so-called 'Magna Carta' of Earl Ranulf II. (Gernons), the date of which is presumed to be about 1150.

Among the materials which it is hoped to publish in future volumes are :—

- (1) *Patent and Chancery Rolls of the Duchy of Lancaster.*
- (2) *Lancashire Bills in Eyre.* Edited by the President.
- (3) *Dunkenhalgh Deeds.* Edited by G. A. Stocks, M.A.
- (4) *Chartulary of Lytham Priory.*
- (5) Geo. More's Tract on *Demoniacal Possession in Lancashire*, 1600, and a reprint of the *Surey Demoniack Tracts.*
- (6) *Salford Portmoot Rolls*, temp. Hen. VIII.
- (7) *Bramhall Court Book*, 1632–1658. A description with extracts. Edited by H. W. Clemesha, M.A.
- (8) *Annales Cestrenses* (Lichfield MS.)
- (9) *Supplement to the Inventory of Church Goods in Lancashire.*

The Council has to record with regret the death of the following members of the Society :—Sir George J. Armytage, Bart., F.S.A.; Ziba Armitage, of Warrington; and Henry Taylor, solicitor to the Feoffees of Chetham's Hospital.



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